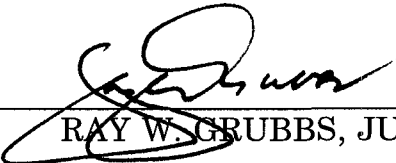


VIRGINIA: IN THE CIRCUIT COURT OF MONTGOMERY COUNTY

RE: REVISED LOCAL RULES OF COURT REGULATING DIVORCE
PRACTICE AND PROCEDURE IN THE CIRCUIT COURT OF
MONTGOMERY COUNTY

BE IT HEREBY **ORDERED** that the following local Rules of Court entitled "Divorce Practice and Procedure in the Circuit Court of Montgomery County and Floyd County" shall be effective immediately, thereby superseding prior rules adopted by this Court in its Order dated February 6, 1995. In accordance with Rule 1:15 of the Rules of the Supreme Court of Virginia, the Clerk of this Court is directed to spread a copy of this order and a copy of said local Rules of Court upon the order book. The Clerk of this Court is further directed to provide a copy of said rules, together with a copy of this order, to the Executive Secretary of the Supreme Court of Virginia. A copy of said rules shall also be provided by the Clerk of the Court to attorneys regularly practicing before this Court upon the request of such attorneys.

ENTER THIS 11 DAY OF SEPTEMBER, 1997.



RAY W. SCRUBBS, JUDGE

DIVORCE PRACTICE & PROCEDURE
IN THE CIRCUIT COURTS OF
MONTGOMERY COUNTY & FLOYD COUNTY

Local Rules of Court

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**DIVORCE PRACTICE AND PROCEDURE
IN THE CIRCUIT COURTS OF
MONTGOMERY COUNTY & FLOYD COUNTY**

LOCAL RULES OF COURT

A. GOALS

The goals and objectives of these local rules of divorce practice and procedure are:

- 1) to provide judicial procedures through which the parties to divorce actions are afforded a fair hearing, and their constitutional and other legal rights are protected;
- 2) to process divorce, custody, and support matters in the most efficient manner possible;
- 3) to assist divorcing parties and their attorneys by minimizing the conflict, delay, and expense of litigation; and
- 4) to promote the best interests of minor children of divorcing parents by encouraging mediated and negotiated resolution of custody and visitation issues and, in cases where this cannot be achieved, by reaching prompt, fair, and deliberate custody decisions which promote the best interests of children.

In every divorce case, the following issues require resolution by the Court, absent agreement of the parties: child custody and visitation, child support, grounds of divorce, spousal support, and equitable distribution of marital property. Grounds of divorce, equitable distribution, and permanent spousal support are matters which the Court will resolve upon the issuance of a final decree of divorce and, until that time, the parties will be required to maintain and preserve their assets. Requests for temporary custody, temporary child support, and temporary spousal support will be determined on an accelerated schedule in order to minimize the negative effects of separation and divorce on family members, especially minor children. Full custody hearings and permanent custody decisions will not be deferred until entry of a final decree of divorce, but will proceed on an expedited basis as set forth herein.

B. PRE-TRIAL GUIDELINES

In every divorce case filed in this Court, the defendant will be served with the Court's standard "Pre-Trial Guidelines" (Exhibit A). The Clerk will mail a

copy of this document to the Plaintiff. The Defendant will be served a copy of the Pre-Trial Guidelines with the Bill of Complaint. In the event that Plaintiff's attorney prepares and Defendant signs a voluntary acceptance of service, Plaintiff's attorney shall furnish to Defendant a copy of the Pre-Trial Guidelines with the Bill of Complaint. These procedures will not affect the right of either party to request or obtain protective orders or other injunctive relief as set forth in Section M.

C. PROCEEDINGS TO ESTABLISH TEMPORARY CUSTODY, TEMPORARY CHILD SUPPORT, AND TEMPORARY SPOUSAL SUPPORT

Either party may request the Court to determine temporary custody and visitation of minor children, temporary child support, and temporary spousal support. All such requests will be scheduled and heard on a priority basis, within 30 days from the submission of a hearing request form to the Judge's office. Attorneys will be expected to give these matters priority on their own schedules, as well.

The *pendente lite* hearings on temporary custody and support will be abbreviated and *without prejudice* to a full presentation of evidence at a later hearing on permanent custody. At the *pendente lite* hearing on temporary custody and support, hearings normally will be limited to one hour, each parent being given equal time to present the essential elements of his/her case. During the *pendente lite* hearing, counsel may expedite direct testimony of witnesses through a proffer. After the proffer, the witness shall be called upon to verify such information through a sworn affirmation. The proffer is not intended to limit the right of cross-examination.

At this hearing, any motions for appointment of guardians *ad litem* or custody evaluations should be made. The Court prefers that standard orders be used to set forth the Court's decision at the *pendente lite* hearing, for the appointment of guardians *ad litem*, and for requesting a custody evaluation. (See Exhibits B, C, and D).

Exchanges of information, as directed in Paragraphs 5 and 6 of the Pre-Trial Guidelines, are expected to occur not less than 48 hours prior to *pendente lite* hearings.

D. PROCEEDINGS TO ESTABLISH PERMANENT CUSTODY AND CHILD SUPPORT

After the decision is rendered on temporary custody and support, and upon the request of either party, the Court will proceed to a full hearing on permanent custody and child support. *Such hearings shall be set within 120 days*

from the date of submission of a hearing request form to the Judge's office. Hearings normally will be limited to half a day, each parent being given equal time to present the essential elements of his/her case. After the full custody hearing is completed and an order entered, further changes in custody and child support will be made only upon a showing of change of circumstances.

It is a requirement of the Court that all final decrees make referrals to the Juvenile & Domestic Relations District Court of all further matters concerning support and custody, except when there is good cause shown not to make such a referral.

E. PROCEEDINGS FOR DETERMINATION OF GROUNDS OF DIVORCE, PERMANENT SPOUSAL SUPPORT, AND EQUITABLE DISTRIBUTION

Proceedings for determination of grounds of divorce, permanent spousal support, equitable distribution, and final allocation of costs and attorney's fees will not receive expedited treatment by the Court, but will be adjudicated as the Court's schedule allows. *At such time as either party wishes to take evidence and proceed to hearing on these issues, a preliminary conference with the Court will be required and must be scheduled by the moving party prior to the taking of evidence.* Preliminary conferences shall be given priority on the docket and generally shall be scheduled for 15 minutes within 30 days of submission of a hearing request form to the judge's office. At the preliminary conference, counsel will advise the Court of the legal and factual matters which are at issue between the parties and the Court, in consultation with counsel, will issue a Pre-Trial Order which will set forth such matters as stipulations of law or fact, obtaining of appraisals and valuations, expert witnesses, means by which evidence will be taken, appointment of commissioners in chancery, deposits required towards costs, and the means by which the Court will consider the evidence, hear final argument of counsel, and render a final decision. Exhibit E sets forth a list of matters to be resolved at the Pre-Trial Conference and which must be addressed in the Pre-Trial Order. In appropriate cases, the Court will require compilation and exchange of Equitable Distribution Schedules. These Schedules (and examples) are attached as Exhibit F.

Counsel are permitted, and encouraged, to submit agreed pretrial Orders to the Court in lieu of the Pre-Trial Conference.

F. UNCONTESTED DIVORCES AND DEFAULT DECREES

In the case of uncontested, no-fault divorces, or in cases where the Defendant is in default, pre-trial procedures may be dispensed with, and the

Plaintiff may proceed to take depositions and present a decree in accordance with the Rules of the Supreme Court of Virginia.

G. CUSTODY AND VISITATION APPEALS FROM JUVENILE & DOMESTIC RELATIONS DISTRICT COURT

Custody and visitation appeals from the Juvenile and Domestic Relations District Court will be set for a scheduling hearing by the Clerk of the Juvenile and Domestic Relations District Court early in the next term of Circuit Court. If counsel or the guardian *ad litem* believes that an expedited appeal hearing is unusually important to protect the children's best interests, the Circuit Court should be so advised, and every effort will be made to accommodate the request.

H. MODEL DISCOVERY AND INSTRUCTIONS FOR USE

Model Discovery Interrogatories and Request for Production of Documents and Things are attached as Exhibit "G". These are meant to be a reasonably complete discovery set applicable to most divorce cases involving contested property and financial matters.¹

Although the discovery includes questions and requests covering almost all subject matter relevant to a contested divorce/custody/ED case, it does not include the detailed questions which might be relevant to a specific case. These situations may call for discovery questions tailored to the particular facts of the case.

The interrogatories have detailed, formatted answering blocks to help focus the opposing party on the form and content desired in the answers. The detailed answering blocks are not meant to be construed as additional questions or sub-parts of questions (re: the thirty-question provision Rule 4:8[g]), but are simply provided to assist in the answering process.

The questions are numbered, and have an "M" designation after each question number. It is suggested that the attorney sending the discovery use the "M" after each model question number to indicate that the question is the model question. Discovery in any particular case may also involve some questions not included in the model; these will not carry the "M" designation. For example,

¹ This discovery was developed by the Family Law Section of the Fairfax Bar Association for use in the Case Tracking System now being applied by the Fairfax Circuit Court to divorce cases.

questions labeled 18M, 19, 20M, and 21 would indicate that questions 18 and 20 are model questions and 19 and 21 are not.

Some of the discovery questions contain referenced time periods indicated by * or **. As shown in the explanatory section of the model discovery (top of the first landscape-printed page), the ** blank date designation refers to the date of separation; however, since the parties may dispute as to just what is this date, the actual date that the drafting counsel believes is the true separation date should be put in this space. The blank dates referenced by * refer to the appropriate date to begin the discovery request for that particular question. This date may vary, given the situation of the parties and the scope and subject of the question. For example, in the first question, which asks for information relevant to bank accounts, if the parties have been married five years and always had joint accounts and your client has always had access to the accounts and does not report any reason for you to believe that any devious money-hiding was being done by the other side prior to the separation, it probably would be appropriate to have this question begin at no more than one year back in time or two to four months prior to the separation, whichever is longer. On the other hand, if you represent a wife who reports to you that she has never known anything about her husband's finances, that he is a business "wheeler dealer" and all accounts were always in his name, then it may be appropriate to have this date begin two or three years prior to the separation in order to obtain enough information to trace accounts.

The dissemination of model discovery does not relieve counsel of the obligation to use discovery wisely and sensibly, given the issues of the case. This discovery is not meant to be used by merely affixing a case style to it and mailing it to the opposing party. The actual discovery sent to the opposing party must be reviewed to see that the time periods are reasonable and that the questions are relevant to the actual case.

I. "CHILDREN OF DIVORCE" SEMINAR

In all cases involving minor children, it is a requirement of the Court that each parent attend the "Children of Divorce" Seminar and receive a certificate of attendance upon seminar completion. Attached as Exhibit Q is a copy of the Court's Order which addresses this requirement.

J. GUARDIANS *AD LITEM*

In cases where the Court deems it appropriate or the parties request it, the Court shall appoint a guardian *ad litem* to represent the interests of the child. Attached as Exhibit D is a standard Order to appoint a guardian *ad litem*.

The guardian *ad litem*'s role shall be to represent the minor child's legitimate interests. The guardian *ad litem* shall represent these interests vigorously and fully protect the child's interest and welfare. The guardian *ad litem* must advise the Court of the wishes of the child in any case where the wishes of the child conflict with the opinion of the guardian *ad litem* as to what is in the child's welfare.

The guardian *ad litem* shall strive to observe the child in the presence of both parents, and in each parent's home prior to the preparation of his or her report to the Court. The guardian *ad litem* should make every effort to talk with health care providers, day care providers, teachers, employees of the Department of Social Services, and any other persons who may have information that would be relevant to determining the best interests of the child.

The guardian *ad litem*'s fees which are paid by the Commonwealth of Virginia shall be payable at the rate of \$50⁵ per hour for out-of-court time and \$705.00 per hour for in-court time. [Additional hourly fees may be assessed against the parties at the guardian *ad litem*'s normal hourly rate. Guardian *ad litem* fees may be taxed as a Court cost to the parties in such amounts and in such proportions as the Court may determine.]

The Virginia Supreme Court maintains a list (see www.courts.state.va.us) of approved guardians *ad litem*. This Court will make appointments from that list. Any attorney who wishes to be an approved guardian *ad litem* must make written application to the Supreme Court.

K. COMMISSIONERS IN CHANCERY

In contested divorces, the taking of evidence on fault, spousal support, equitable distribution and taxing of attorney's fees and costs may be heard by a Commissioner in Chancery in cases where the Court's schedule does not permit the timely taking of evidence *ore tenus*. Although it is the goal of this Court to eliminate the expensive and time-consuming litigation of divorces through the Commissioner system, the Court will give priority to hearing personally the evidence in cases only where counsel can present the evidence in a relatively short hearing, when one or both of the parties is unrepresented by legal counsel, or when the parties own little property and cannot afford the expense of a Commissioner in Chancery.

The law governing the use of Commissioners in Chancery is set forth in Rule 2:18 of the Rules of the Supreme Court of Virginia and in Code of Virginia Sections 8.01-607 to -619.

Commissioners in Chancery will be selected by the Court and counsel from a list of qualified Commissioners which will be maintained by the Court. Any attorney who wishes to serve as a Commissioner in Chancery in divorce actions must make written application to the Court.

The Court has established the following minimum qualifications for persons who wish to act as Commissioners in Chancery in divorce cases:

- 1) a license to practice law in Virginia;
- 2) a demonstrated competence in the practice of divorce and family law in this Court;
- 3) current continuing legal education in the field of family law; and
- 4) a commitment to completing the tasks of Commissioner in Chancery in a timely and judicious manner.

It is expected that a Commissioner will be paid at a rate between \$100 and \$150 per hour, depending upon the experience of the Commissioner, and the Commissioner must request payment by means of a detailed time accounting presented to the Court at the time the Commissioner's report is filed. The Commissioner shall endorse the Decree of Reference to indicate his/her consent to the rate of compensation. Payment is subject to the Court's assessment of the reasonableness of the request for payment. Ordinarily, to insure payment of costs and Commissioner's fees, the parties will be required to deposit with the Court Clerk a combined minimum sum of:

- A. \$2,000.00 for each day of testimony, if the parties and the Commissioner do not anticipate the need for a transcript;
- B. \$2,600.00 for each day of testimony if the parties or the Commissioner do anticipate the need for a transcript.

However, exceptions to this arrangement may be made by the court for good cause shown. From these sums, the Clerk will be authorized to pay court reporter charges and other such costs. The Court will make every effort to order payment of any portion of the Commissioner's fee which is not covered by the remainder of such deposit.

It is required that all evidence be taken in *consecutive days* within 60 days of the entry of the Decree of Reference. It is required that the Commissioner file his/her report within 60 days of the completion of the taking of evidence.

Just as the Court requires a Pre-Trial Conference and Pre-Trial Order to narrow the issues and stipulate matters of fact and of law, the Commissioner is required to conduct such a Pre-Trial Conference with counsel (a phone conference is

permissible) in order that the taking of evidence can proceed as efficiently as possible.

Reference is made to the standard Decree of Reference for appointment of a Commissioner in Chancery (Exhibit H) and to Section E of this manual for a description of the Pre-Trial Conference.

L. CHILD SUPPORT GUIDELINES AND WORKSHEETS

Attached as Exhibits I, J, and K, are samples of child support worksheets for "regular" custody, joint custody, and split custody situations. Attached as Exhibit L, is a checklist of additional factors which may be considered by the Court regarding possible deviation from the Guidelines. The appropriate worksheet (and the checklist, if applicable) shall be attached to any order involving determination of child support.

M. EX PARTE HEARINGS AND PROTECTIVE ORDERS

The Circuit Court has broad powers to grant temporary and permanent injunctive relief in divorce actions under the provisions of Chapter 24: Title 8.01, Chapter 6: Title 20 and, concurrently with the Juvenile & Domestic Relations District Court, pursuant to Chapter 11: Title 16.1 of the Code of Virginia. Such motions generally must be heard after proper notice to the other party.

In some circumstances, the Court is permitted to hear and rule upon motions for temporary injunctive relief *ex parte*. These circumstances include, but are not limited to, motions for emergency protective orders under 16.1-253 and 16.1-253.1, and other circumstances where irreparable harm could occur in the absence of temporary injunctive relief.

In all cases where temporary injunctive relief is requested *ex parte*, counsel for the moving party is required to notify the Court if he/she has any actual knowledge of the Defendant being represented by legal counsel. Additionally, counsel for the moving party must give opposing counsel actual notice, by any reasonable means, of the motion for *ex parte* injunctive relief and the date and time scheduled for hearing.

N. ATTORNEYS FEES

The Court will consider requests for Court-ordered reimbursement of attorneys fees only when presented with an itemized billing showing specific services rendered by the attorney and time expended for each service. Counsel shall state what factors the Court should consider in setting the fee including, but not limited to, the fee agreement with the client.

O. INCOME AND EXPENSE LISTINGS

In all proceedings involving income and expense listings, the parties shall use the form attached as Exhibit "M".

P. MEDIATION

It is the Court's belief that mediation is a practical and cost-effective option for divorcing parties to consider, particularly in custody disputes, and counsel are required by law to explore this option with their clients (See Code Section 8.01-576.5).

The Court also has the authority pursuant to the provisions of Virginia Code Section 20-124.4 to refer parties in a divorce action to a dispute resolution evaluation to be conducted at no cost to the parties and in accordance with the procedures of Virginia Code Section 8.01-576.5, *et seq.* This will be done in every contested case (see Decree of Referral; Exhibit R). The procedure will be as set forth on Exhibit S-1.

Attached as Exhibits S through AA are various model forms which will be of help to attorneys and mediators in the process of mediation.

Q. OTHER ALTERNATIVE DISPUTE RESOLUTION OPTIONS

1. Neutral Case Evaluation. By agreement of the parties, a case may be referred for Neutral Case Evaluation, which is a process whereby an experienced family law practitioner hears a synopsis of the respective cases of Plaintiff and Defendant and renders a non-binding opinion concerning a likely outcome of the case. Attached as Exhibit BB is a model decree referring a case to Neutral Case Evaluation.

2. Judge Pro Tempore. By agreement of the parties, complicated cases may be heard by a judge *pro tempore* rather than by a Commissioner in Chancery. In this way, the opinion of the judge *pro tempore* becomes a final order, tantamount to a Circuit Court order, appealable only to the Virginia Court of Appeals. Attached as Exhibit CC is a model decree appointing a judge *pro tempore*; attached as Exhibit DD is a sample oath for the judge *pro tempore*.

R. PROCEDURES FOR PRESENTATION OF DECREES

Decrees shall be prepared as directed by the Court or as may be agreed upon between counsel promptly following hearings. The Court encourages counsel to use standard orders, as set forth in these local rules, as frequently as possible and encourages orders to be completed immediately following hearings through the use of such standard orders wherever possible.

In the event counsel cannot agree upon the language set forth in an order or in the event the party to whom the order is mailed following the hearing does not respond within a reasonable period of time, proposed decrees may be submitted directly to the Court. Whenever a decree is submitted directly to the Court, a copy should be sent to opposing counsel or unrepresented party, together with notice, which may be set forth in a cover letter, that the Court will hold the proposed decree for ten (10) days to allow opposing counsel or unrepresented party to respond by proposing an alternate decree with justification for different language. In the event counsel or unrepresented party submits such an alternate decree, the attorney who originally prepared the decree will have ten (10) days to respond to the proposed alternate decree. In the event counsel or unrepresented party does not respond within ten (10) days, the Court may enter the decree without signature by the counsel or unrepresented party who failed to execute the decree within a reasonable time or otherwise explain reasons for his or her failure to do so.

S. SCHEDULING

Dates for hearings shall be requested by faxing to the Judge (382-6922) a completed Hearing Request Form (see Exhibit N), with a copy to opposing counsel. As indicated on the form, counsel requesting the hearing must contact opposing counsel regarding possible dates and times before faxing the form, unless two written requests (fax acceptable) have been made of opposing counsel without response, and 48 hours have expired since receipt by opposing counsel of the second request. Once the hearing date has been set, the Court will not be inclined to accommodate opposing counsel's request for a continuance if he/she failed to respond to requesting counsel's inquiries regarding available dates and times. Counsel shall fax to the Judge (382-6922) a Hearing Trial Cancellation form (Exhibit O) whenever a hearing is to be cancelled. The judge's office will respond to all faxes within 2 business days.

T. PAYROLL DEDUCTION

The Court's preferred Payroll Deduction Order is attached as Exhibit EE.

EXHIBIT A

VIRGINIA: IN THE CIRCUIT COURT OF MONTGOMERY COUNTY

_____)	
)	
Plaintiff)	
)	Chancery No. _____
v.)	
)	
_____)	
)	
Defendant)	

PRE-TRIAL GUIDELINES

THESE PRE-TRIAL GUIDELINES ARE DESIGNED TO PROTECT THE WELL-BEING OF YOUR CHILDREN, TO PRESERVE YOUR MARITAL ASSETS, AND TO ALLOW COURT PROCEEDINGS TO BE CONDUCTED WITH FAIRNESS AND EFFICIENCY. YOUR COMPLIANCE WITH THE GUIDELINES IS STRONGLY ENCOURAGED.

1. IF PRIOR COURT ORDERS EXIST WHICH DETERMINE CUSTODY AND SUPPORT OF THE MINOR CHILDREN, THE PARENTS ARE REQUIRED TO ABIDE BY SUCH PRIOR COURT ORDERS.

2. IF NO PRIOR COURT ORDERS EXIST WHICH DETERMINE CUSTODY AND SUPPORT OF THE MINOR CHILDREN, THE PARENTS ARE JOINT CUSTODIANS OF THE CHILDREN UNTIL THE COURT ORDERS OTHERWISE. THE PARENTS SHOULD CONDUCT THEMSELVES AS FOLLOWS UNTIL FURTHER ORDER OF THIS COURT:

a. Each parent should keep the other parent notified of his/her address and telephone number, and permit the other parent to have reasonable contact with the children unless it is necessary to prevent contact between parent and child to protect the child from abuse or neglect, or to protect a spouse from physical abuse from the other spouse.

b. The children should continue to attend their usual school and child care provider unless there exists a compelling reason to do otherwise.

c. Each parent should inform and seek consultation from the other, if possible, of important health care or educational issues involving the children.

d. Neither parent should submit the child to psychiatric or psychological examination, evaluation, or treatment without giving oral and written notice to the other parent.

e. Both parents have a legal duty to provide monetary support for their children. Until the Court enters a written child support order, both parents should contribute to their children's support to the best of their ability.

f. The Court encourages the parents to begin the task of agreeing on mutually acceptable custody and visitation arrangements which are in the children's best interests. If the parents have difficulty in reaching agreement, assistance is available from many sources, including your lawyers, family counselors, divorce mediators, ministers, and other spiritual leaders.

3. IF HUSBAND AND/OR WIFE OWN PROPERTY WHICH WAS ACQUIRED DURING THE MARRIAGE, THE PARTIES ARE ADVISED:

a. Husband and Wife should not withdraw money from retirement accounts, pensions, Individual Retirement Accounts, or other such retirement or pension benefits, unless agreed in writing by both parties. The parties may withdraw funds from joint or individual bank accounts or investment accounts without the agreement of both parties if such withdrawals are necessary to pay for living expenses of the family, routine debt payments of the parties, or attorney's fees and court costs. As part of the divorce proceedings, each spouse will be required to account for all money withdrawn or spent by each of them and adjustments may be made at a later date.

b. The parties should not sell, destroy, hide or give away any household goods, furniture, personal belonging, appliances, automobiles or any other tangible personal property which is owned jointly or separately, unless by written agreement of the parties.

c. The parties should not incur any joint debt without mutual agreement.

4. HUSBAND AND WIFE ARE REQUIRED BY LAW TO REFRAIN FROM ANY ACT OF PHYSICAL VIOLENCE, VERBAL ABUSE, OR HARASSMENT AGAINST EACH OTHER OR ANY FAMILY MEMBER.

5. IF CHILD SUPPORT REQUIRES RESOLUTION OF THE COURT, THE FOLLOWING MINIMUM DOCUMENTATION SHOULD BE PRODUCED TO THE COURT AND TO THE OTHER PARTY (OR LEGAL COUNSEL) NO LESS THAN TWO DAYS PRIOR TO A HEARING ON CHILD SUPPORT:

a. A copy of at least four of the most recent pay check stubs which are representative of your actual wages, together with any other written document which shows actual current income.

b. Copies of any unusual bills or expenses, such as extraordinary medical expenses or other debts, of the children or the parents.

c. If you are under an existing court order to provide spousal support, alimony, or child support, provide a copy of such order.

d. If your child requires child care services for you to be able to work, provide a written statement or receipts from the child care provider to document child care costs.

e. If you provide health care insurance for your child, provide a written statement or other documentation of the cost of this insurance which is attributable to the children born of this marriage.

6. IF SPOUSAL SUPPORT REQUIRES RESOLUTION BY THE COURT, THE FOLLOWING MINIMUM DOCUMENTATION SHOULD BE PRODUCED TO THE COURT AND TO THE OTHER PARTY (OR LEGAL COUNSEL) NO LESS THAN TWO DAYS PRIOR TO A HEARING ON SPOUSAL SUPPORT:

a. All of the information set forth in the preceding paragraph on child support.

b. Completed "Monthly Income and Expenses" statement attached hereto.

7. ANY PARENTS OF A MINOR CHILD ARE HEREBY REQUIRED BY LAW TO REFRAIN FROM ANY ACT WHICH DEGRADES THE OTHER PARENT OR ANY GRANDPARENT OF THE MINOR CHILD IN FRONT OF OR WITHIN EARSHOT OF THE MINOR CHILD.

8. CHILDREN OF DIVORCE SEMINAR:

In any case in which child custody or child visitation is involved, the parties are *ORDERED* (see attached Order) to attend the *Children of Divorce Seminar* and return proof of completion of the seminar to the Clerk of this Court. Information about the seminar is set forth in a pamphlet included herewith.

Additional information may be obtained from the Mental Health Association of the New River Valley, Inc., 126-B West Jackson Street, Blacksburg, Virginia 24060, (540) 951-4990 or 1-800-559-2800.

9. If you have any special needs, such as a physical handicap, need for a language or deaf interpreter, or other problem, notify the Clerk of Court as soon as possible so that arrangements can be made to accommodate your special needs.

10. The address and telephone of the office of the Clerk of this Court is 1 East Main Street, Suite B-5, Christiansburg, Virginia 24073, (540) 382-5760.

11. The parties shall notify this Court and opposing party of any change of address at least thirty (30) days in advance, unless for good cause shown.

ENTER this Order this _____ day of _____, 20____.

Judge

EXHIBIT B

VIRGINIA: IN THE CIRCUIT COURT OF MONTGOMERY COUNTY

Plaintiff

v.

PENDENTE LITE
O R D E R

Defendant

THIS CAUSE came to be heard upon pending motions for *pendente lite* relief;

NOTICES and INFORMATION:

Pursuant to Section 20-60.3, Code of Virginia, the parties are hereby notified of the following provisions of Virginia law. The parties represent to this Court that the information provided below is true information:

- 1) Support payments may be withheld as they become due pursuant to Section 20-79.1 or 20-79.2, from earnings as defined in Section 63.1-250 without further amendments of this Order or having to file an application for services with the Department of Social Services.
- 2) Support payments may be withheld pursuant to Chapter 13 (Section 63.1-249, *et seq.*) of Title 63.1 without further amendments to the order, upon application for services with the Department of Social Services.
- 3) A duty of support is owed for the following children of the parties:

NAME	DATE OF BIRTH	RESIDES WITH
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

4) The following is true information regarding each parent of the child or children subject of this Order:

<u>Plaintiff:</u>	DOB:_____;	SSN:_____;
Address:	_____	Employer: _____
	_____	Address: _____
	_____	_____
<u>Defendant:</u>	DOB:_____;	SSN:_____;
Address:	_____	Employer: _____
	_____	Address: _____
	_____	_____

5) A petition may be filed for the suspension of any license, certificate, registration or other authorization to engage in a profession, trade, business or occupation issued by the Commonwealth of Virginia to a person responsible for support as provided in Section 63.1-263.1, upon a delinquency for a period of ninety days or more or in an amount of \$5,000.00 or more.

a. Plaintiff presently holds a _____
(license/certificate/registration) issued by Virginia to engage in the profession, trade, business or occupation of _____.

b. Defendant presently holds a _____
(license/certificate/registration) issued by Virginia to engage in the profession, trade, business or occupation of _____.

6) The Order of this Court as to the amount and terms of the child support and spousal support are set forth in the support provisions of this Order.

7) This Order does not contain any provision for dependent children, and no provision is made in this Order for health care coverage for a spouse or former spouse, *OR*

The Orders of this Court as to health care coverage for children, spouse or former spouse and any policy information are set forth in the health care provisions of this Order.

8) The amount and terms of any arrearages in support are set forth in the arrearage provision of this Order.

9 & 10) If support provided in this Order becomes payable through the Department of Social Services (DSS), the parties shall give each other and DSS at least thirty days' advance written notice of any change in residence, and in addition, the delinquent obligor shall inform DSS of the name and address of his/her current employer.

11) The separate amounts due to each person under this Order for child support, for spousal support, or for a unitary award, or the affirmation of a separation agreement, are set forth in the support provision of this Order.

12) In determination of a support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law.

13) The Department of Social Services may, pursuant to Chapter 13 (Section 63.1-249, *et seq.*) of Title 63.1 and in accordance with Section 20-108.2 and Section 63.1-252.2, initiate a review of the amount of support ordered by any court.

WHEREUPON, the Court having considered the statutory factors set forth in the Code of Virginia, and having considered all testimony and evidence submitted by the parties and the argument of Counsel, it is

ADJUDGED, ORDERED, and DECREED as follows:

1) CUSTODY AND VISITATION: _____

Pursuant to Section 20-124.5, either party who intends to relocate his or her residence shall give a thirty-day advance written notice of any such intended relocation and of any intended change of address (and shall contain the new address), said notice being given to both the other party and to this Court.

2) SUPPORT:

A. Child Support: _____ shall pay to _____, as child support, the sum or \$_____ per _____, beginning _____, 20____, and to be paid _____, until further order of this Court.

A child support guideline worksheet is attached.

The child support set forth herein was determined by:

[] The agreement of the parties; *OR*

The Court pursuant to:

- ☐ The presumptive amount as set forth in the statutory guideline of Section 20-108.1 and 20-108.2; *OR*
- ☐ As a deviation from the presumptive amount of the statutory guideline, considering the reasons set forth in the written findings attached hereto and incorporated herein by reference.

B. Spousal Support: _____ shall

pay to _____ as spousal support, the sum of \$ _____ per _____, beginning _____, 20____, and to be paid _____ thereafter until the death of either party, the remarriage of the recipient party or further order of this Court.

C. Unitary Support: _____ shall

pay to _____ as a combined, unitary support for the spouse and minor child/children of the parties, the sum of \$ _____ per _____, beginning _____, 200____, and to be paid _____ thereafter until _____ or until further order of this Court.

D. Payment of Support - Payroll Withholding Order:

☐ Pursuant to Section 20-79.2, the ☐-child; ☐-spousal; ☐-unitary support set forth above shall be payable by the Payroll Withholding Order entered contemporaneously herewith, and incorporated herein, directing that the payment of support shall be withheld from the wages of the _____, and said payments shall be forwarded by the employer to:

☐ The Department of Social Services. *OR*

☐ Directly to the _____. *OR*

☐ For good cause shown to this court, the payments of child support, pursuant to this Order, shall be paid directly by the _____ to the _____ and shall not be subject to a Payroll Withholding Order.

OR

☐ The parties agree that the payments of the above support shall be made by the _____ and shall not be by a Payroll Withholding Order.

3) HEALTH CARE COVERAGE:

A. For Children:

☐ _____ shall provide health care insurance coverage for children who are subject

of this Order; *OR*

☐ According to the evidence submitted, or as provided by the agreement of the parties, health insurance is not available at reasonable cost as defined in Section 63.1-250 and is not required for the children who are subject to this Order.

☐ Health care expenses not covered by insurance shall be apportioned as follows: _____% payable by Father; _____% payable by Mother.

B. For Spouse:

☐ _____ shall provide health care insurance coverage for the spouse; *OR*

☐ Health insurance is *not* required by this Order for a spouse.

C. Information Regarding Policy:

The health insurance carrier which provides the coverage applicable to this Order is _____. This policy is ☐ privately obtained or ☐ is provided all or in part as a benefit of the employment of _____ by his/her employer, _____.

4) ARREARAGES:

☐ _____ is in arrears in support as of _____, 200__ in the amount of \$_____. Said arrearage is owed to _____ for the period from _____ to _____, and shall be repaid at the rate of \$_____ per _____, in addition to the regular support as set forth above. Arrearages shall accrue interest at the judgment rate per annum on the unpaid balance from the date each payment of support was first due until paid in full. The parties are directed that payments of support shall be credited to current support obligations first, with any payment in excess of the current obligation applied to arrearages; *OR*

☐ No support arrearages exist as of the date of this Order.

5) MARITAL RESIDENCE AND MORTGAGE PAYMENT:

A. _____ is hereby awarded
exclusive use and possession of the marital residence at _____
_____.

B. _____ shall pay the mortgage
payment (including taxes and insurance) on the parties' marital residence located at
_____ until further order of this Court.

6) PRELIMINARY COUNSEL FEES AND COSTS:

[] _____ shall pay to
_____, as preliminary
counsel fees and costs, the sum of \$_____,
to be paid _____;

OR

[] A ruling regarding counsel fees and costs is taken
under advisement.

7) MEDIATION:

[] The Court orders the parties to participate in a
dispute resolution evaluation as more particularly
set forth in a separate Order to be entered for that
purpose.

8) OTHER PROVISIONS: _____

_____.

9) OTHER PROVISIONS: _____

_____.

10) The Clerk of this Court shall certify copies of this Order and mail
them to counsel of record and to any party unrepresented by counsel.

And this cause is continued on the docket.

ENTER this Order this _____ day of _____, 200__

JUDGE

Seen:

Counsel for Plaintiff

Counsel for Defendant

EXHIBIT C

VIRGINIA: IN THE CIRCUIT COURT OF MONTGOMERY COUNTY

Plaintiff

v.

ORDER FOR CUSTODY EVALUATION

Defendant

To aid this Court's evaluation of this case, it is *ORDERED* as follows:

1) The Department of Social Services shall investigate and file a written report concerning those factors which might aid the Court in determining those custodial arrangements which would promote the best interests and welfare of the child/children. The report that will be presented pursuant to this Order is merely advisory in nature; the entry of this Order shall in no way deprive the parties of any of the usual attributes of a fair trial in open court.

2) The parties hereto shall provide information as may be reasonably requested by the Department of Social Services to facilitate the preparation of this report, including, but not limited to, the Home Study Information Sheet attached to this Order. Each party shall complete the Home Study Information Sheet and return it to the Department of Social Services within seven (7) days from the date of this Order.

3) The custody evaluator shall strive to observe the child/children in the presence of each parent in each parent's residence as part of the preparation of this report. The parties shall allow such visitation as may be necessary to permit the custody evaluator to make such observations during the custody evaluator's normal business hours.

4) The Clerk of this Court shall forthwith transmit a copy of this Order to the appropriate branch of the Department of Social Services. If a litigant resides outside of the Commonwealth of Virginia, the Department of Social Services

shall forthwith request an evaluation from the appropriate agency and transmit to such agency a copy of this Order.

5) The Department of Social Services shall file its report with the Clerk of this Court within 90 days from the date of this Order. Copies shall be furnished to counsel of record. Notification of the filing of the report should be forwarded to *pro se* litigants.

6) The Court further orders _____

_____.

7) The parties are advised that the costs of performing the custody evaluation may be taxed to the parties in such amounts and in such proportions as the Court may determine.

The Clerk shall certify copies of this order and mail them to counsel of record and to any party unrepresented by counsel.

ENTER this Order this _____ day of _____, 200__.

JUDGE

EXHIBIT C (continued)

HOME STUDY INFO SHEET

HOME STUDY INFORMATION SHEET

YOUR NAME _____

ADDRESS _____

DATE OF BIRTH: _____ HOME PHONE _____

SOCIAL SECURITY NO: _____ WORK PHONE _____

CHILDREN:

NAME _____ DATE OF BIRTH: _____ SS# _____

NAME _____ DATE OF BIRTH: _____ SS# _____

NAME _____ DATE OF BIRTH: _____ SS# _____

NAME _____ DATE OF BIRTH: _____ SS# _____

1. Please briefly explain why you or someone else, is petitioning the court for custody/visitation of these child(ren) and explain any past court involvement concerning their custody/visitation. (If more space is needed please continue on back of this sheet or use another sheet of paper.)

This image shows a single page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the page.

2. Please list people living in your home currently and their relationship to these children.

NAME

RELATIONSHIP TO CHILDREN

3. How long have you lived at this address? _____
If less than one yer, list previous address and length of time at that address: _____

4. Please list current household expenses per month:

Rent/Mortgage _____

Utilities _____

Phone _____

Car Payments _____

Insurance _____

Loans _____

Food _____

Clothing _____

Other _____

5. Please list all family income by each family member per month.

<u>NAME</u>	<u>AMOUNT PER MONTH</u>

6. Please list occupation and place of employment for each family member

<u>NAME</u>	<u>OCCUPATION</u>	<u>PLACE OF EMPLOYMENT</u>	<u>DATE HIRED</u>

If employed less than 6 months, please list previous places of employment and salary.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

If these children are living with you, please fully describe their behavior at home.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

10. List any previous marriages giving spouse's name, date and place of marriage and date and place of divorces.

11. Have you or anyone living in your household ever received therapy or counseling of any kind? Yes _____ No _____
If yes, who, when, from whom and why:
- _____
- _____
- _____
12. Have you or anyone living in your household received in-patient service from Southwestern State Hospital, St. Albans Hospital, or another public or private mental facility?
- Yes _____ No _____. If yes, who, when, where and why:
- _____
- _____
- _____
13. Have drugs or alcohol ever caused problems in your family?
- Yes _____ No _____ If yes, explain:
- _____
- _____
- _____
14. Has violence ever caused problems in your family?
- Yes _____ No _____ If yes, explain:
- _____
- _____
- _____
15. Are you or anyone living in your household suffering from a chronic or severe physical illness?
- Yes _____ No _____ If yes, please list who and nature of illness.
- _____
- _____

16. If these children are living with you now, please describe their current school performance, attach a copy of latest report card, and describe any academic or behavioral problems in school:

17. What are these children's schools and teacher's names?

18. Please describe your own educational background.

19. Please make any other comments you wish.

EXHIBIT D

VIRGINIA: IN THE CIRCUIT COURT OF MONTGOMERY COUNTY

_____ ,

Plaintiff

v.

**ORDER FOR APPOINTMENT
OF A GUARDIAN *AD LITEM***

_____ ,

Defendant

This cause came to be heard upon the motion of the parties for a determination of custody and visitation of the parties' minor children who are as follows:

NAME

DATE OF BIRTH

RESIDES WITH

UPON CONSIDERATION WHEREOF, it appearing to the Court that the best interest of the minor child [children] would be served by the appointment of a guardian *ad litem* for the parties' minor child [children] during the pendency of this suit;

It is therefore *ADJUDGED*, *ORDERED*, and *DECREED* as follows:

- 1) That the best interest of the minor child shall be the standard used in making all decisions on custody and visitation in this matter.
- 2) That the role of the guardian *ad litem* shall be the representation of the minor child's legitimate interests.

3) That the guardian *ad litem* shall vigorously represent the child, fully protecting the child's interest and welfare.

4) That the guardian *ad litem* shall advise the court of the wishes of the child in any case where the wishes of the child conflict with the opinion of the guardian *ad litem* as to what is in the child's welfare.

5) That the guardian *ad litem*'s fees shall be payable at a minimum rate of \$50.00 per hour for out-of-court time and \$70.00 per hour for in-court time, and shall be paid by the Commonwealth of Virginia whenever possible. Additional hourly fees may be assessed against the parties at the guardian *ad litem*'s normal hourly rate. Guardian *ad litem* fees may be taxed as a court cost to the parties in such amounts and in such proportions as the court may determine.

6) That the guardian *ad litem* shall strive to observe the child in the presence of each parent in each parent's residence as a part of the preparation of his or her report to this court.

7) Health care providers, mental health providers, day care providers, teachers, employees of the Department of Social Services, and other persons having information which relates to the parties' minor child are hereby *ORDERED* to provide the guardian *ad litem* with any information he or she may request.

8) That _____, a discreet and competent attorney-at-law, shall be, and is hereby appointed, as guardian *ad litem* for the parties' minor child during the pendency of this suit.

9) That the Clerk of this court shall certify copies of this order and mail them to counsel of record, the guardian *ad litem*, and to any party unrepresented by counsel.

ENTER this Order this _____ day of _____, 200__.

JUDGE

EXHIBIT E

MATTERS TO BE ADDRESSED IN PRE-TRIAL CONFERENCE AND ORDER

(See Section E of Rules)

The pre-trial conference shall take place in the Judge's chambers and shall not be attended by clients. Prior to the conference, counsel shall make every effort to define and narrow the issues and stipulate law and fact to the extent possible.

At the pre-trial conference, the following subjects shall be discussed and resolved, for inclusion in the pre-trial order:

- 1) stipulations of fact and law, if any;
- 2) disclosure of witnesses, including expert witnesses;
- 3) method for valuing pensions and retirement benefits, business interests, real estate, tangible personal property, and other such assets;
- 4) whether or not separate expert witnesses will be used or whether the clients will agree on using a single appraiser, accountant, etc.;
- 5) taking of evidence
 - a) will evidence be taken *ore tenus* or by deposition, or a combination of the two?
 - b) will a commissioner in chancery be appointed, and how will the costs be paid?
 - c) timeline for the taking of evidence;
- 6) interim attorneys fees and costs;
- 7) exchange of Equitable Distribution Schedules (Exhibit F); and
- 8) any other matters counsel or the Court deem necessary.

EXHIBIT F

PERSONAL INFO. SCHEDULE AND

FACTORS FOR EQUITABLE DISTRIBUTION

Personal Information Schedule and Factors for Equitable Distribution

Disclosure Of: Susan Misery
Date: 1/12/92

Style: Misery v. Misery
Chancery No.: 123456

HUSBAND

NAME: Herman N. Misery
AGE: 58
EDUCATION: Bach. of Electrical Engineering
OCCUPATION: Retired Army / Consultant
EMPLOYER: Misery Consultants
Rank/Grade/Level: President, CEO
Number of Years Employed In Past Five Yrs. 5
Total Annual Earned Income Last Calendar Yr. \$ 75,000 (Retirement+Consult)
Avg. Monthly Earned Income past Six Months \$ 6,500
Non-Earned Inc./Mo.(Interest, Dividends, Etc.) \$ _____

WIFE

Susan O. Misery
49
Srayer Bus. College (2 Year)
Administrative Assistant
Atlantic Research Corp.
5
\$ 23,500 (Includes O/T)
\$ 1,550
\$ 450 (Stock Dividend)

CHILDREN OF THE PARTIES

First Name	Age	Resides With
Ricky	20	W
Dicky	16	W
Nicky	14	W

MARRIAGE DATE: 3/27/69
SEPARATION DATE: 3/14/90
DATE OF FILING B/C: 4/26/90

FACTORS TO BE CONSIDERED IN A MONETARY AWARD:

(Address specifically the relevant factors set forth in §20-107.3.E.1.-11.)

This party wishes the Court to consider the following factors, which he/she intends to establish by credible evidence, in the Court making a monetary award most favorable to him/her.

1. Divorce in her favor on grounds of adultery. Adultery occurred prior to separation.
2. W has traveled to 6 foreign countries & entertained extensively in order to help H with his military career.
3. W has assisted H in his consulting business.
4. W is topped out in her employment field - her earnings probably will not increase much in future.
5. W must work for 13 years more to get her pension; H is receiving pension and has consulting business.
6. W needs the marital home in order to keep kids in their same school.
7. Twenty-one year marriage.
8. _____

SUBMITTED BY: _____
Nathan Putasunder, Counsel for Complainant

Personal Information Schedule and Factors for Equitable Distribution

Disclosure Of: _____
Date: _____

Style: _____
Chancery No.: _____

HUSBAND

WIFE

NAME: _____

AGE: _____

EDUCATION: _____

OCCUPATION: _____

EMPLOYER: _____

Rank/Grade/Level: _____

Number of Years Employed In Past Five Yrs. _____

Total Annual Earned Income Last Calendar Yr. \$ _____

Avg. Monthly Earned Income past Six Months \$ _____

Non-Earned Inc./Mo.(Interest, Dividends, Etc.) \$ _____

\$ _____

\$ _____

\$ _____

CHILDREN OF THE PARTIES

First Name	Age	Resides With

MARRIAGE DATE: _____

SEPARATION DATE: _____

DATE OF FILING B/C: _____

FACTORS TO BE CONSIDERED IN A MONETARY AWARD:

(Address specifically the relevant factors set forth in §20-107.3.E.1.-11.)

This party wishes the Court to consider the following factors, which he/she intends to establish by credible evidence, in the Court making a monetary award most favorable to him/her.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

SUBMITTED BY: _____

, Counsel for

REAL AND PERSONAL PROPERTY

STYLE: Misery v. Misery

Disclosure Of: Wife

Date: 2/18/92

Chancery No. 100987

PROPERTY ITEM	Date of Purch	Title H,W,J NT	Marital or Separate	Debt or Lien	Income or Yield	Value and Equity	Date of Valuation	Disposition and Comments	COURT FINDINGS
1. Marital Home 5 Bdrm Colonial in Chantilly	Jun, 1976	J	M	\$86,000 \$946/MO Paymt		\$186,000 \$100,000	DOH	W proposes she be allowed to keep. Needs lump sum to trade	
2. Rental Townhse in Dale City	Aug, 1980	J	M	\$65,000 \$525/Mo Pay'mt	\$575/mo Rent	\$92,000 \$27,000	DOH	Sell & Split	
3. 1988 Nissan 300ZX	Sep, 1987	H	M	\$4,000		\$8,000 \$4,000	DOH	H to Keep	
4. 1985 Oldsmobile	Feb, 1985	J	M	\$0		\$3,000	DOH	W to Keep	
5. 24' Aquarius Sailboat	Apr, 1984	H	M	None		\$8,000	DOH	H to Keep	
6. Jewelry (see Attached List) PreMarital and Family Gifts	Pre 1969	NT	SW			\$8,000	DOH	W to Keep	
7. Jewelry (see Attached List)	1969 - 1984	NT	M			\$9,500	DOH	W to Keep	
8. Furniture in Marital Home	1972-1984	NT	M			\$4,000	DOH	W to Keep	
9. Furniture in H's Twnhouse	1985-1986	NT	SH			\$2,500	DOH	H to Keep	
10. 250 Shares IBM	1980	W	SW Inherited		\$185	\$36,000	DOH	W to Keep	

Total Marital Equity \$155,500

SUBMITTED BY:

Nathan Putasunder
Counsel for Complainant

Husband-Separate \$2,500

Wife-Separate \$44,000

DOM = Date of marriage; DOH = Date of hearing
DOS = Date of separation
H = Husband; W = Wife; NT = Not titled
M = Marital; S = Separate; J = Joint
SH = Separate Husband; SW = Separate Wife

REAL AND PERSONAL PROPERTY

STYLE: _____

Disclosure Of: _____

Date: _____

Chancery No. _____

	PROPERTY ITEM	Date of Purch	Title H,W,J NT	Marital or Separate	Debt or Lien	Income or Yield	Value and Equity	Date of Valuation	Disposition and Comments	COURT FINDINGS
1.										
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										

Total Marital Equity _____

SUBMITTED BY: _____

Husband-Separate _____

Counsel for

Wife-Separate

DOM = Date of marriage; DOH = Date of hearing
 DOS = Date of separation
 H = Husband; W = Wife; NT = Not titled
 M = Marital; S = Separate; J = Joint
 SH = Separate Husband; SW = Separate Wife

DEBT SCHEDULE

(Include all purchase money and secured debt
on schedule with associated property)

Style: Misery v. Misery
Chancery No: 123456

Disclosure Of: Susan Misery

Date: 3/21/91

I. CREDIT CARD

	CREDITOR	Debtor H,W,J	Marital /Sep	Dates Of Charges	% of Debt Use H & W	Possessor of Property	PRESENT BALANCE	COURT FINDINGS
1.	Sears	H	SH	1990-91 Post-Sep	100% H	Husb	\$1,800	
2.	VISA	J	M	Jun, 88 Mar, 1990	20%-H 80%-W		\$1,200	
3.	Mastercard	J	M	Post-Sep	100%-W		\$800	
4.	Lord & Taylor	W	M	Apr, 89- Pres	100% - W	Wife	\$600	
5.	EXXON	J	M	May, 89- Pres	100% - W	Wife	\$750	
6.								
7.								
8.								
9.								
CREDIT CARD TOTAL							\$5,150	

II. FIXED and OTHER DEBT

	CREDITOR	Debtor H,W,J	Marital /Sep	Dates Of Charges	Use of Funds	Monthly Payment	PRESENT BALANCE	COURT FINDINGS
1.	ARC Credit Union	W	M	Jul, 1985	Finish Rec Rm	\$75	\$6,000	
2.	MR. H. Helpful (W's Father)	W	SW	Aug, 85 & Jun, 86	Atty Fees & Support		\$4,000	
3.	Mr. Putasunder Attorney	W	SW	Aug, 85- Present	Atty Fees	\$100 Average	\$15,000	
4.								
5.								
6.								
Total Fixed and Other Debt:							\$25,000	

Husband Attorney Fees to Date: \$13,652

Wife's Attorney Fees to Date: \$16,840

TOTAL DEBT: \$30,150

H = Husband W = Wife
M = Marital S = Separate
SH = Separate Husband
SW = Separate Wife
J = Joint NT = Not Titled

Total Marital Debt: \$11,150

Total Separate-Husband: \$2,040

Total Separate-Wife: \$28,110

Submitted By: _____

Nathan Putasunder

DEBT SCHEDULE

(Include all purchase money and secured debt
on schedule with associated property)

Style: _____
Chancery No: _____

Disclosure Of: _____ Date: _____

I. CREDIT CARD

	CREDITOR	Debtor H,W,J	Marital /Sep	Dates Of Charges	% of Debt Use H & W	Possessor of Property	PRESENT BALANCE	COURT FINDINGS
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								
9.								
CREDIT CARD TOTAL							\$0	

II. FIXED and OTHER DEBT

	CREDITOR	Debtor H,W,J	Marital /Sep	Dates Of Charges	Use of Funds	Monthly Payment	PRESENT BALANCE	COURT FINDINGS
1.								
2.								
3.								
4.								
5.								
6.								
Total Fixed and Other Debt:							\$0	

Husband Attorney Fees to Date: _____

Wife's Attorney Fees to Date: _____

TOTAL DEBT: \$0

H = Husband W = Wife
M = Marital S = Separate
SH = Separate Husband
SW = Separate Wife
J = Joint NT = Not Titled

Total Marital Debt: \$0
Total Separate-Husband: \$0
Total Separate-Wife: \$0

Submitted By: _____

BUSINESS PROPERTY SCHEDULE

(Use for business ownership in which at least one party is an active participant)

Style: Misery v. Misery

Chancery No.: 123456

Disclosure By: Wife

Date: 11/23/91

Business Property Description	Date Acquired	Form of Bus Entity	Percent Ownership By H&W	Marital /Sep (%)	Income Gross/ Taxable	Earnings Paid To H & W	V A L U A T I O N		Court Findings
							Item	Valuation	
Consulting business Misery Consultants, Inc.	1987	Corp	50%-Husb 25%-Wife 25% to Parties' Children	H&W Portion 100% Marital	1990 Gross: \$48,000 Income after Expenses: \$40,000	Husband: \$40,000 Wife: \$0	Valuation of Mr. Snowjob, Wife's expert	\$186,000	

Marital Net Valuation: \$ \$186,000

Submitted by: _____

Nathan Putasunder
Counsel for Complainant

Husband's Separate Net Valuation: \$ _____

Wife's Separate Net Valuation: \$ _____

B U S I N E S S P R O P E R T Y S C H E D U L E

(Use for business ownership in which at least one party is an active participant)

Style: _____
Chancery No.: _____

Disclosure By: _____ Date: _____

Business Property Description	Date Acquired	Form of Bus Entity	Percent Ownership By H&W	Marital /Sep (%)	Income Gross/ Taxable	Earnings Paid To H & W	V A L U A T I O N		Court Findings
							Item	Valuation	

Submitted by: _____

Marital Net Valuation: \$ _____

Husband's Separate Net Valuation: \$ _____

Wife's Separate Net Valuation: \$ _____

P E N S I O N S C H E D U L E

 Disclosure By: Wife

 Style: _____
 Chancery No: _____
 Date: _____

Description of Pension and Payor	Bene- ficiary	Initial Service Date	Date Of Vesting	Earliest Retirement Date	Cash Withdrawal Value	Expected Monthly Annuity	Portion Which is Marital	Present Value	Court Findings
U.S. Army	Husb	Mar, 1971	Mar, 1991	Mar, 1991 Age 52	None	\$2,300	92% Taken to DOS	\$267,000 See Actuarial calculations of Mr. Snowjob	
Atlantic Research Corp	Wife	Sept, 1983	Sept, 1990 for Ret'mt Vested in 1988	Sept, 2003 Age 65	\$10,300	\$1,250 If W were now age 65 & had 20yrs w/ARC	100% Taken to DOS	\$10,300	

DOM = Date of Marriage
 DOS = Date of Separation
 DOF = Date of Filing
 DOH = Date of Hearing

Marital Portion = No. of months of pension accrual during marriage
 divided by the total no. of months of pension accrual
Cash Withdrawal Value = Amount of cash which could be paid to annuitant
 upon resignation without retirement

Monthly Annuity = Monthly annuity which annuitant would expect if he/she could
 retire now based on current pay rate/grade and benefit schedule

Present Value = Amount of invested cash now which would pay the expected annuit
 to the annuitant for the expected time duration of payment

Submitted By: _____
 Nathan Putasunder
 Counsel for Complainant

P E N S I O N S C H E D U L E

Disclosure By: _____

Style: _____

Chancery No: _____

Date: _____

Description of Pension and Payor	Beneficiary	Initial Service Date	Date Of Vesting	Earliest Retirement Date	Cash Withdrawal Value	Expected Monthly Annuity	Portion Which is Marital	Present Value	Court Findings

DOM= Date of Marriage
 DOS = Date of Separation
 DOF = Date of Filing
 DOH = Date of Hearing

Submitted By: _____

Marital Portion = No. of months of pension accrual during marriage divided by the total no. of months of pension accrual

Cash Withdrawal Value = Amount of cash which could be paid to annuitant upon resignation without retirement

Monthly Annuity = Monthly annuity which annuitant would expect if he/she could retire now based on current pay rate/grade and benefit schedule

Present Value = Amount of invested cash now which would pay the expected annuit to the annuitant for the expected time duration of payment

EXHIBIT G

VIRGINIA: IN THE CIRCUIT COURT OF MONTGOMERY COUNTY

Plaintiff
v. _____
Defendant

:
:
:
:
:
:
:
:
:
:

In Chancery No. _____

TO: {Party}
c/o {Counsel}
{Address}

INTERROGATORIES

The following Interrogatories are directed to you pursuant to Rule 4:0, *et seq.*, of the Rules of the Supreme Court of Virginia. You are requested to answer these Interrogatories in writing and under oath, and to serve a copy of your answers on Counsel within _____ (____) days.

- a. These Interrogatories are continuing in nature and may require you to update the information given pursuant to the supplementation rules of Rule 4:1.E.
- b. The word "person" used in these Interrogatories includes both the singular and plural, and includes legal entities and organizations as well as individual people.
- c. Where the identity or name of a "person" is requested, state in your answer the full name of the person and, on the "Identification Addendum" attached hereto, state the full name, present or last known home address and business address, and the person's daytime telephone number.
- d. Any requested information or document which is known by or possessed by any of your agents, employees or representatives or attorneys (unless privileged), shall be given in response to this discovery. To the extent you do not know the precise information requested, provide your best estimate thereof.
- e. If additional space is required to fully answer, please continue answer on a separate sheet of paper properly identified (e.g., "Continuation of answer to Interrogatory Number 7").
- f. Interrogatories numbered "#(M)" are taken from the Model Interrogatories developed by Fairfax County Bar's Domestic Relations Committee (and endorsed by the Family Law Committee and Judge of the Montgomery County Circuit Court). Others are added by counsel.

INTERROGATORIES

{The drafting attorney should pick the specific date which will depend upon the length of marriage, the financial history of the parties and other facts and circumstances, usually one to three years prior to the date of separation.}

{The drafting attorney's position as to the separation date should be inserted here.}

1.(M). Provide the following information as to all checking, savings, credit union and money market accounts, or CD's, held in your name and/or your spouse's name, individually or jointly with any other person, at any time subsequent to _____, 19_____.* (excluding IRA, KEOGH and 401-K accounts).

Name of Institution	Type of Acct.	Acct. No.	How Titled	Bal. on **	Present Balance

2.(M). Provide the following information as to all mutual funds, stocks, bonds, other securities or investment funds (excluding IRA's, KEOGH's and 401-K accounts) owed by you or your spouse, individually or jointly with any other person, at any time since _____, 19_____*:

Description of Asset/Name of Issuer	Name of Owner	Value @ **	Present Value

3.(M). As to all outstanding notes, accounts receivable, or other debts owed to you and/or your spouse, individually, or jointly with any other person, at any time subsequent to _____, 19_____*, provide the following information:

Name of Payor	Terms of Payment	Date Due	Principal Balance

4.(M). As to all real estate interest *presently* held in your name or your spouse's name, individually or jointly with any other person, provide the following information:

Property Address	How Titled/Held	Date Acquired	Price/Value @ Acquisition	Fair Mkt. Value	Mortgage Balance

5.(M). As to all real estate interests *previously* held in your name or your spouse's name, individually or jointly with any other person, at any time subsequent to _____, 19____*, provide the following information:

Property Address	How Previously Titled	Date Acquired	Price/Value @ Acquisition	Proceeds from Disposition	Date of Disposition

6.(M). Provide the following information as to all business entities (any form of entity such as corporations, proprietorships, partnerships [general or limited], joint ventures, trusts, etc.) owned by you and/or your spouse, individually or jointly with any person, at any time subsequent to _____, 19____* (exclude stock in publicly held corporations wherein you hold less than 1% of outstanding shares and which you have disclosed in question 2 above):

Name of Entity	Form of Entity	Names of Other Owners	Amt. Invested by you/spouse	% Owned by you/spouse	Present Value Of Interest

7.(M). Provide the following information as to all insurance policies, including life, accident, mortgage, auto, liability, umbrella, lifetime care, annuities and other such insurance owned by you or your spouse at any time subsequent to _____, 19_____*:

Company Name	Type of Policy (Term/Whole/Other)	Insured's Name	Policy #	Amt. of Each Loan Outstanding	Face Value	Name & % Int. - Each Beneficiary	Present Cash Value

8.(M). Provide the following information as to all intangible personal property (such as franchises, patents, trademarks, copyrights or other royalty rights, etc.) owned by you and/or your spouse, individually or jointly with any person, subsequent to _____, 19_____*:

Description of Asset	Held By	Date Acquired	Amt. Invested	Present Value	Gross Income Last 12 Mos.

9.(M). Provide the following information as to all major items of household furnishings/personal effects having estimated resale value in excess of \$500.00 per item or set of items (e.g., jewelry, collections, silver sets, china sets, coin

collections, etc.) owned by you and/or your spouse individually or jointly with any other person at any time subsequent to _____, 19_____*:

Description of Item	Name of Owner(s)	Date Acquired	Cost/Value @ Acquisition	Present Value

10.(M). Provide the following information as to all motor vehicles, trailers, boats or airplanes owned by you and/or your spouse individually or jointly with any other person(s), at any time subsequent to _____, 19_____*:

Year	Make/Model	Names on Title	Acquisition Cost	Date Acquired	Present Lien Balance	Present Mkt. Value

11.(M). If any person has held any property for the benefit of you and/or your spouse, subsequent to _____, 19_____* , provide the following information as to all such property:

Description of Item	Owned By	Held By	Held At (location)	Date Acquired	Present Value

12.(M). If you and/or your spouse have stored any money, documents or other items in any safe deposit boxes, vaults, safes, or other places of deposit or safekeeping subsequent to _____, 19__*, provide the following information as to all such items:

Name/Address/Box & Account #	Description of Each Item	Inclusive Dates Items Held
(1)	(1)	
	(2)	
	(3)	
(2)	(1)	
	(2)	
	(3)	

13.(M). As to each asset now owned or previously owned by you and/or your spouse, individually or jointly with any other person, which was either acquired or disposed of since _____, 19____*, but has not been mentioned in your answers to other interrogatories herein - if that asset has a fair market value at least \$500 (or \$500 or more was received upon disposition of the asset) - provide the following information:

Description of Item	Previously Owned or now Owned/Held By	Date Acquired	Acquisition Cost	Disposal Date	Proceeds Rec'd or Present Value

14.(M). Provide the following information as to all current credit cards, personal charge accounts, loans and notes payable, and other debts upon which you and/or your spouse are primarily or in any other way liable:

Creditor	Reason Debt Incurred	Account #	Persons Liable	Balance on **	Present Balance

15.(M). Give the following information regarding your present employment:

- (a) Employer's name & address: _____
- (b) Position or Title: _____
- (c) Dates of service: _____
- (d) Salary history for past two years: _____
- (e) Present work schedule: _____
- (f) Nature, value and date of all overtime, bonuses, commissions or other compensation received since _____, 19____ *: _____
- (g) Describe all fringe benefits, such as insurance coverage (life/health/dental/accident/etc.), automobile use, vacation and sick leave, housing allowance, cafeteria plans, etc.: _____
- (h) If your current employer utilizes a standard promotion or salary review schedule, state the approximate dates of expected future promotions or reviews within the coming year and the increments in salary anticipated on those dates:

Date	Expected Action and Compensation Increase
_____	_____
_____	_____
_____	_____

16.(M). If you have been at your present employment for less than two years, provide the following information concerning your previous employment during the last two years:

- (a) Employer's name and address: _____
- (b) Positions or Titles: _____
- (c) Dates of service: _____
- (d) Salary history for past two years: _____
- (e) Present work schedule: _____
- (f) Nature, value and date of all overtime, bonuses, commissions, other compensation received subsequent to _____, 19____*: _____

17.(M). Provide the following information for each source of income (taxable and non-taxable), other than those previously disclosed herein, including, but not limited to, interest, royalties, dividends, rents, pension payments, social security, disability, payments from all trusts and investments, etc., from which you and/or your spouse received payment in excess of \$100 in any twelve month period in the last two years:

Income Received From	Amount Rec'd. or Installment Amt.	Date Received	Future Payments Expected	
			Amount	Expected Date

18.(M). Provide the following information as to all Individual Retirement Accounts (IRA's), Simplified Employee Pension Plans (SEP's) and KEOGH Plans held in your name, or your spouse's name, at any time subsequent to _____, 19____*:

Name of Institution	Type of Account	Acct. #	Names on Title	Balance On **	Present Bal/Value

19.(M). As to each and every pension, retirement or profit-sharing plan, including 401-K plans, thrift-savings and deferred compensation plans, to which you are or may be entitled to receive benefits by reason of your past or current employment, please state the following:

- (a) Name and type of Plan: Name: _____ Type: _____
- (b) Name and address of the administrator: _____
- (c) Is it vested? _____ If not, when will it vest? _____
- (d) Total amount of your contributions to your account: _____
- (e) Total amount of your employer's contributions to the account: _____
- (f) Present basis or formula for such contributions: _____
- (g) Date commenced employment and length of creditable service: _____
- (h) Payment options: Annuity? _____ Lump sum? _____ Combination? _____
- (i) Earliest date upon which you could exercise each option: _____
- (j) Your best estimate of the present value of your interest in the plan: _____
- (k) State 3 highest annual base earnings: (1) _____
(2) _____
(3) _____

20.(M). State your monthly income and expenses in detail, using the attached income and expense statement.

21.(M). Provide the following information with respect to each expert you expect to call to testify in this case as to any matter at issue in these proceedings. Set forth the subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

- (1) Name: _____ Profession: _____
Address: _____ Phone: _____
Education: _____
Employment Background: _____
Subject Matter of Testimony: _____
Substance of Facts and Opinions and the Grounds Therefor: _____

(2) Name: _____ Profession: _____
Address: _____ Phone: _____
Education: _____
Employment Background: _____
Subject Matter of Testimony: _____
Substance of Facts and Opinions and the Grounds Therefor: _____

22.(M). If you claim that any assets described in your answers to these Interrogatories are your or your spouse's separate property, or are partially your or your spouse's separate property, give the following information with respect to each such asset:

Description of Asset	Percent/Portion Separate	Who Owns Separate Portion?	Value of Separate Portion	Reason Property Is Separate or part Separate

23.(M). Give the name of each person who participated in any transaction which forms a part of the factual basis for your conclusion that a particular asset is separate or partially separate property of you or your spouse. Identify the asset; describe the role of each such person and give all applicable dates: _____

24.(M). State in detail what you allege to be the factors and circumstances which led to the breakdown of the marital relationship between you and your spouse, including specific facts, actions, dates of occurrence, the persons involved and the persons witnessing such events: _____

25.(M). State in detail each and every fact which you contend supports the following allegations made in your pleadings. Include specific facts, actions, dates of occurrence, the persons involved and the persons witnessing such events:
(A). *[allegation]*

(B). *[allegation]*

26.(M) State in detail each and every fact which you contend defeats or counters the following allegations made in your spouse's pleadings with respect to any fault grounds for divorce, including specific facts, actions, dates of occurrence, the persons involved and the persons witnessing such events:

(A). *[allegation]*

(B). *[allegation]*

27.(M). If you believe that your spouse is not fit to have custody of or visitation with the children of the marriage, then state in detail what you allege to be the factors and circumstances which bring you to that conclusion including specific facts, actions, dates of occurrence, the persons involved and the persons witnessing such events: _____

Addendum to Interrogatories For Additional Identification Information

(Attach additional pages if necessary)

[illegible]

REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS

(1) With regard to documents requested herein, pursuant to Rule 4:9 of the Rules of the Supreme Court of Virginia, you are requested to produce the documents specified below for inspection and/or copying at the office of _____ on _____, 19_____, at _____ o'clock _____.m. However, in lieu of personally producing said documents at the aforesaid time and place, you may mail or deliver same to the undersigned attorney, at his/her office, in a manner calculated to arrive at or prior to said time.

(2) Documents are defined to include, but are not limited to, writings, drawings, graphs, charts, photographs, records, tapes and other recordings on any media which a suitable detection device can be used to translate the information into a readable or useful form.

(3) The definitions used in the Interrogatories included herewith are applicable to this Request for Production of Documents.

1. Your Federal and State income tax returns with amendments thereto, and all W-2, 1099 and K-1 forms, all schedules, and attachments for tax years _____.*. If no return has been filed for any requested years, then provide all such documentation evidencing income for those years.

Response: _____

2. If you are a regular salaried employee receiving periodic equal paychecks and do not receive overtime pay, bonus pay or commission income, provide your latest three months of pay statements, vouchers, and/or stubs, or statement received from employers reflecting gross income and all withholdings. If you have received income for overtime work, commissions or bonuses in the past year, provide the requested statements for the past year.

Response: _____

3. All savings account passbooks and statements reflecting deposits, withdrawals, and account balances in any bank, savings and loan association, credit union, money market fund or other depository, or for certificates of deposit, whether such account has been held by you or your spouse individually or jointly with any other person or entity, subsequent to _____, 19_____.*.

Response: _____

4. Monthly checking account statements provided by your banks or other institutions on which you have drawn checks or similar instruments, and all of your check stubs or registers, reflecting all transactions in any account on which your name or your spouse's name appears, individually or jointly with any other person or entity, subsequent to _____, 19_____*.

Response: _____

5. Evidence of ownership of all certificates of deposit, money market certificates or funds, mutual funds, "All Savers" certificates, or other such property or accounts held by you or your spouse individually or jointly with any other person or entity, subsequent to _____, 19_____*.

Response: _____

6. Statements of account received from any stock brokerage firm, mutual fund or other securities dealer for securities owned by you or your spouse, individually or jointly with any other person or entity, subsequent to _____, 19_____*.

Response: _____

7. Loan application forms, financial statements or statements of net worth prepared by or on behalf of you or your spouse subsequent to _____, 19_____*.

Response: _____

8. All instruments, documents or records evidencing the sale, purchase or transfer or other disposition of any asset owned by you or your spouse, individually or jointly with any other person or entity, subsequent to _____, 19_____*.

*. Include all settlement statements and deeds relating to the transfer of real property.

Response: _____

9. All appraisals, evaluations, assessments, etc. for all real and personal property owned by you or your spouse, individually or jointly with any other person or entity, made or performed subsequent to _____, 19_____*.

*. Include any reports made by experts.

Response: _____

10. If you claim any assets as your or your spouse's separate property, or partially separate property, then provide all documentation which supports your position.

Response: _____

11. Summary plan descriptions, and all statements, received subsequent to _____, 19____
_____, for each pension, profit-sharing, thrift savings, deferred compensation, stock option, 401-K or retirement plans,
vested or non-vested, in which you or your spouse have an interest.

Response: _____

12. All credit card statements since _____, 19_____, for all charge accounts on which you had or
have signature authority.

Response: _____

13. All Statements since _____, 19_____, showing indebtedness and payment schedule for
all debts and obligations for which you have any liability, primary or contingent.

Response: _____

14. With regard to the referenced specific allegations below which you have made in your pleadings, provide
all tangible evidence in support of your position, including documents, diaries, notebooks, notes, photographs, letters, tape,
video or movie recordings, or any other such evidence which tends to prove or disprove the referenced allegations.

(A). *[allegation]*

Response: _____

(B). *[allegation]*

Response: _____

(C). *[allegation]*

Response: _____

RESPECTFULLY SUBMITTED

{Party}

BY: _____
Of Counsel

{Counsel}
Attorney at Law
{Address}
{Telephone}
Counsel for {Party}

{CERTIFICATE OF SERVICE}

EXHIBIT H

VIRGINIA: IN THE CIRCUIT COURT OF MONTGOMERY COUNTY

Plaintiff

v.

DECREE OF REFERENCE TO COMMISSIONER IN CHANCERY

Defendant

This cause came to be heard upon a pre-trial conference *ore tenus*, and the cause was argued by counsel.

And it appearing proper, it is *ADJUDGED, ORDERED, and DECREED* that this cause shall be, and it hereby is, referred to _____, Attorney at Law, a Commissioner in Chancery of this Court, who shall make inquiry and report to the Court as follows:

- 1) Grounds for divorce;
- 2) Equitable distribution of marital property pursuant to Section 20-107.3;
- 3) Spousal support and maintenance;
- 4) Whether either party should be awarded attorney's fees and costs in this behalf expended;
- 5) Any other matters which the Commissioner deems appropriate or which any party may require; and it is further

ADJUDGED, ORDERED, and DECREED that the parties shall each make an advance payment to the Clerk of Court in the amount of \$_____ on or before _____, being \$_____ per party per day of anticipated testimony. This amount is based on the parties' and the Commissioner's representations that they ____ do *OR* ____ do not anticipate the need for a transcript. The Commissioner shall direct the Clerk to withdraw funds for costs as they may be incurred. When the Commissioner submits a report, an itemized statement shall be submitted to the Court, and the Commissioner shall be awarded a reasonable fee. The Court will direct the Clerk to pay the Commissioner. It is presumed that a reasonable fee shall be based upon an hourly fee of \$_____, subject to modification as may be appropriate in each case; and it is further

ADJUDGED, ORDERED, and DECREED that evidence shall be presented before the Commissioner in one day or, if it is not possible to complete all evidence in one day, on consecutive days, with all such evidence to be presented within sixty (60) days from the date of this Decree. A Commissioner's report shall be filed with the Court, with copies being mailed to counsel of record, within sixty (60) days from the completion of the evidentiary hearing before the Commissioner.

And this case is continued on the docket.

ENTERED this _____ day of _____, 200__.

JUDGE

We ask for this Decree:

Counsel for Plaintiff

Counsel for Defendant

Commissioner in Chancery

EXHIBIT I, J, K, L, M

CHILD SUPPORT GUIDELINES

CHILD SUPPORT GUIDELINE WORKSHEET

For sole custody support cases with no spousal support
or spousal support calculated on a separate form.

v.

Worksheet of: _____

Chancery No. _____

Date: _____

A. GROSS INCOME OF PARTIES

1. Monthly Gross Income of Each Party:

Mother

Father

2. Spousal Support Payable Between Parties:

3. Adjusted Gross Income for Child Support:

4. Combined Gross Income:

Income Shares

5. Each Party's Percent of Combined Income:

6. Number of Children: _____

Ages: _____

Spousal Support

Spousal Payor

☐ Husband☐ Wife

Custodian:

☐ Mother☐ Father**B. CHILD SUPPORT**

1. Schedule Amount for Basic Child Support:

2. Extraordinary Medical/Dental Expenses:

3. Work-related Child Care Costs:

4. Medical Insurance for Child/Children:

5. Total Child Support Need (Sum: 1+2+3+4): _____

From Support Table

Child Support Need

6. Child Support Obligation of Each Party:

(Total Support Need x Income Share)

7. Direct Payment of Medical Insurance (Subtract):

8. Each Party's Presumptive Guideline Share:

Mother

Father

9. Guideline Child Support Payable by Non-Custodial Parent: _____

Guideline Child Support

C. PROPOSED DEVIATIONS FROM GUIDELINE SUPPORT:

1. _____

2. Each Party's Proposed share:

TOTAL CHILD SUPPORT

D. PROPOSED ADJUSTED CHILD SUPPORT:

Child Support Payable To

Submitted by: _____

Counsel for: _____

**CHILD SUPPORT GUIDELINES
WORKSHEET — SHARED CUSTODY**

Commonwealth of Virginia Va. Code § 20-108.2

EXHIBIT "J"

Case No.:

DATE

I. GUIDELINE CALCULATION

A. INCOME

	<u>Mother</u>	<u>Father</u>	<u>Combined</u>
Monthly Gross Income (see instructions on Page 2)	(1) \$.....	(2) \$.....	
Adjustments for spousal support payments (see instructions on Page 2)	(3) \$.....	(4) \$.....	
Adjustments for support of child(ren) (see instructions on Page 2)	(5) \$.....	(6) \$.....	
Deductions from Monthly Gross Income allowable by law (see instructions on Page 2)	(7) -\$.....	(8) -\$.....	
Available Gross Income	(9) \$.....	(10) \$.....	= (11) \$.....
Percentage of Combined Gross Income	(12) \$.....%	(13) \$.....	= 100%

B. CHILD SUPPORT NEEDS

Number of children for whom support is sought			(14)
Child support from guideline table — apply lines (11) and (14) to table			(15) \$.....
Total shared support — line (15) x 1.40			(16) \$.....
	<u>Mother</u>	<u>Father</u>	
Total days in year each parent has custody	(17)	(18)	= 365
Each parent's custody share	(19)	(20)	= 100%

C. EACH PARENT'S SUPPORT OBLIGATION TO OTHER PARENT

1. Father's obligation to Mother	<u>Mother</u>	<u>Father</u>
Basic support to Mother — lines (19) x (16)		(21) \$.....
Health care coverage <u>PAID</u> by Mother (if any)		(22) \$.....
Work-related child care of Mother (if any)		(23) \$.....
Total — lines (21) + (22) + (23)		(24) \$.....
Father's obligation — lines (24) x (13) =		(25) \$.....
2. Mother's obligation to Father		
Basic support to Father — lines (20) x (16)	(26) \$.....	
Health care coverage <u>PAID</u> by Father (if any)	(27) \$.....	
Work-related child care of Father (if any)	(28) \$.....	
Total — lines (26) + (27) + (28)	(29) \$.....	
Mother's obligation — lines (29) x (12) =	(30) \$.....	

D. NET MONTHLY CHILD SUPPORT PAYABLE FROM ONE PARENT TO THE OTHER PARENT

Shared custody child support guideline amount — difference between lines (25) and (30) = (31) (31) \$.....
(32) Payable to ☐ Mother ☐ Father (see instructions on Page 2)

II. ADJUSTMENTS (IF ANY) TO SHARED CUSTODY CHILD SUPPORT GUIDELINE AMOUNT

A. ADJUSTMENT ITEMS

	<u>Mother</u>	<u>Father</u>
1. Credit for benefits received by or for the child derived from the parent's entitlement to disability insurance benefits to the extent that such derivative benefits are included in a parent's gross income	(33) \$.....	(34) \$.....
2.....	\$.....	\$.....
3.....	\$.....	\$.....
Total adjustments	(35) \$.....	(36) \$.....
Net adjustment (difference between lines (35) and (36))	(37) \$.....	
(38) Owed to <input type="checkbox"/> Mother <input type="checkbox"/> Father (see instructions on Page 2)		

B. TOTAL ADJUSTED SUPPORT (see instructions on Page 2)

(39) \$.....

(40) Payable to ☐ Mother ☐ Father

CHILD SUPPORT GUIDELINES WORKSHEET INSTRUCTIONS

General — Use monthly financial information rounded to the nearest dollar in making these calculations. To convert data to monthly figures,

- multiply weekly financial data by 4.33
- multiply bi-weekly financial data by 2.167
- multiply semi-monthly financial data by 2
- divide annual financial data by 12

Amounts of \$.50 or more should be rounded up to the nearest dollar; amounts less than \$.50 should be rounded *down* to the nearest dollar.

Lines 1 and 2 — Gross income is defined by Virginia Code § 20-108.2(C).

a. Gross income "shall mean all income from all sources, and shall include, but not be limited to, income from salaries, wages, commissions, royalties, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits, worker's compensation benefits, disability insurance benefits, veterans' benefits, spousal support, rental income, gifts, prizes or awards. If a parent's gross income includes disability insurance benefits, it shall also include any amounts paid to or for the child who is the subject of the order and derived by the child from the parent's entitlement to disability insurance benefits."

b. Gross income "shall not include benefits from public assistance programs as defined in Virginia Code § 63.2-100 [Temporary Assistance to Needy Families, auxiliary grants to the aged, blind and disabled, medical assistance, energy assistance, food stamps, employment services, child care, general relief] federal Supplemental Security benefits, child support received, or income received by the payor from secondary employment income not previously included in "gross income," where the payor obtained the income to discharge a child support arrearage established by a court or administrative order and the payor is paying the arrearage pursuant to the order."

Lines 3 and 4 — If spousal support is paid by a party pursuant to an existing court or administrative order or written agreement, regardless of whether it is being paid to the other party or to a person not a party to this proceeding, subtract that amount under the payor's column. If spousal support is being received by a party pursuant to an existing court or administrative order or written agreement, regardless of whether it is being paid by the other party to this proceeding, add the amount under the payee's column. Use plus and minus signs appropriately. If a party is not paying or receiving spousal support, insert "none" in the appropriate column(s).

Lines 5 and 6 - When a party is paying child support payments pursuant to an existing court or administrative order or written agreement for a child or children who are not the subject of the proceeding, subtract this amount from gross income. When a party has a child or children who are not the subject of the proceeding in their household or primary physical custody, subtract the amount as shown on the Schedule of Monthly Basic Child Support Obligations that represents that party's support obligation for that child or children based solely on that party's income as the total income available. If these provisions are inapplicable, insert "none" in the appropriate column(s). There is only a presumption that these amounts will be deducted from gross income.

Line 7 and 8 (Virginia Code § 20-108.2(C)) — If either parent has income from self-employment, a partnership or a closely-held business, subtract reasonable business expenses under the column of the party with such income. Include one-half of self-employment tax paid, if applicable. If none, insert "none."

NOTE: Any adjustments to gross income shall not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child.

Line 15 — Using Virginia Code § 20-108.2(B) SCHEDULE OF MONTHLY BASIC CHILD SUPPORT OBLIGATIONS, use line (11) (combined monthly available income) to find the applicable income level under COMBINED GROSS INCOME, then use line (14) (number of children) to determine the basic child support obligation under the appropriate column at the applicable income level.

Line 22 and 27— (Virginia Code §§ 20-108.2(E) and 63.2-1900) — Insert costs for "health care coverage" when actually paid by a parent, to the extent such costs are directly allocable to the child or children, and which are the extra costs of covering the child or children beyond whatever coverage the parent providing the coverage would otherwise have. "Health care coverage" means any plan providing hospital, medical or surgical care coverage for dependent children provided such coverage is available and can be obtained by a person obligated under Virginia law for support of a dependent child or the child's caretaker at a reasonable cost (such as through employers, unions or other groups without regard to service delivery mechanism). This item should also include the cost of any dental care coverage for the child or children paid by a parent.

Lines 23 and 28 (Virginia Code § 20-108.2(F)) — Any child-care costs incurred on behalf of the child or children due to employment of the custodial parent shall be added to the basic child support obligation. Child-care costs shall not exceed the amount required to provide quality care from a licensed source.

Line 32 — If Line (25) is larger than Line (30), check Mother on Line (32). If Line (25) is smaller than Line (30), check Father on Line (32).

Lines 33 and 34 — If amounts paid to or for the child who is the subject of the order and derived by the child from the parent's entitlement to disability insurance benefits have been included in a parent's gross income, that amount should be subtracted from that parent's child support obligation.

Line 38 — If Line (35) is larger than Line (36), check Mother on Line (38). If Line (35) is smaller than Line (36), check Father on Line (38).

Lines 39 and 40 — If Lines (31) and (37) are owed to the same party, put the sum of the amounts in these lines on Line (39) and, in Line (40), check the party checked on line (32). If Lines (31) and (37) are owed to different parties, put the difference between the amounts in these lines on Line (39) and, in Line (40), check the party to whom the larger of the amounts in Lines (31) and (37) are owed.

FEDERAL POVERTY GUIDELINES (Notice Date: February 13, 2004)

Household Size	1	2	3	4	5	6	7	8
Guideline plus 50%	\$ 13,965	\$ 18,735	\$ 23,505	\$ 28,275	\$ 33,045	\$ 37,815	\$ 42,585	\$ 47,355

(Add \$4,770 for each additional member in households of more than eight.)

CHILD SUPPORT GUIDELINES WORKSHEET — SPLIT CUSTODY

Commonwealth of Virginia Va. Code § 20-108.2

Case No.:

	V.	DATE
	<u>MOTHER</u>	<u>FATHER</u>
1. Monthly Gross Income (see instructions on Page Two)	\$	\$
2. Adjustments for spousal support payments (see instructions on Page Two)	\$	\$
3. Adjustments for support of child(ren) (see instructions on Page Two)	\$	\$
4. Deductions from Monthly Gross Income allowable by law (see instructions on Page Two)	-\$	\$
5. a. Available monthly income	\$	\$
b. Combined monthly available income (combine both available monthly income figures from line 5.a.)		
6. Percent obligation of each party (divide "available monthly income" on line Line 5.a. by line 5.b.)	%	%
7. Number of children for which that person is the <u>noncustodial</u> parent.		
<hr/>		
	<u>MOTHER</u>	<u>FATHER</u>
8. a. Monthly basic child support obligation for number of children listed above (from schedule — see instructions on Page Two)	\$	\$
b. Monthly amount allowable for extraordinary medical and dental expense paid by <u>other</u> parent (see instructions on Page Two)	\$	\$
c. Monthly amount allowable for health care coverage paid by <u>other</u> parent (see instructions on Page Two)	\$	\$
d. Monthly amount allowable for employment-related child care expense paid by <u>other</u> parent (see instructions on Page Two)	\$	\$
9. Total monthly child support obligation of each parent (add lines 8.a., 8.b., 8.c. and 8.d. for each parent)		
10. Total monthly child support obligation of each party (multiply line 6 by line 9)		
<hr/>		
	<u>MOTHER</u>	<u>FATHER</u>
11. Adjustments (if any) to Child Support Guidelines Calculation (see instructions on Page Two)		
a. Credit for benefits received by or for the child derived from the parent's entitlement to disability insurance benefits to the extent that such derivative benefits are included in a parent's gross income	-\$	-\$
b.	\$	\$
c.	\$	\$
12. Each party's adjusted obligation to other party		
13. Net payment		

CHILD SUPPORT GUIDELINES WORKSHEET INSTRUCTIONS

For the purpose of applying this provision, split custody shall be limited to those situations where each parent has physical custody of a child or children born of the parents, born of either parent and adopted by the other parent or adopted by both parents. For the purposes of calculating a child support obligation where split custody exists, a separate family unit exists for each parent, and child support for that family unit shall be calculated upon the number of children in that family unit who are born of the parents, born of either parent and adopted by the other parent or adopted by both parents. Where split custody exists, a parent is a custodial parent to the children in that parent's family unit and is a noncustodial parent to the children in the other parent's family unit.

General — Use monthly financial information rounded to the nearest dollar in making these calculations. To convert data to monthly figures,

- multiply weekly financial data by 4.33
- multiply bi-weekly financial data by 2.167
- multiply semi-monthly financial data by 2
- divide annual financial data by 12

Amounts of \$.50 or more should be rounded up to the nearest dollar; amounts less than \$.50 should be rounded down to the nearest dollar.

Line 1 — Gross income is defined by Virginia Code § 20-108.2(C).

- Gross income "shall mean all income from all sources, and shall include, but not be limited to, income from salaries, wages, commissions, royalties, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits, worker's compensation benefits, disability insurance benefits, veterans' benefits, spousal support, rental income, gifts, prizes or awards. If a parent's gross income includes disability insurance benefits, it shall also include any amounts paid to or for the child who is the subject of the order and derived by the child from the parent's entitlement to disability insurance benefits."
- Gross income "shall not include benefits from public assistance programs as defined in Virginia Code § 63.1-87 [aid to dependent children, auxiliary grants to the aged, blind and disabled, medical assistance, food stamps, general relief, fuel assistance and social services] or child support received."

Line 2 — If spousal support is being paid by a party pursuant to an existing court or administrative order or written agreement, regardless of whether it is being paid to the other party or to a person not a party to this proceeding, subtract that amount under the payor's column. If spousal support is being received by a party pursuant to an existing court or administrative order or written agreement, regardless of whether it is being paid by the other party to this proceeding, add the amount under the payee's column. Use plus and minus signs appropriately. If a party is not paying or receiving spousal support, insert "none" in the appropriate column(s).

Line 3 — When a party is paying child support payments pursuant to an existing court or administrative order or written agreement for a child or children who are not the subject of the proceeding, subtract this amount from gross income. When a party has a child or children who are not the subject of the proceeding in their household or primary physical custody, subtract the amount as shown on the Schedule of Monthly Basic Child Support Obligations that represents that party's support obligation for that child or children based solely on that party's income as the total income available. If these provisions are inapplicable, insert "none" in the appropriate column(s). **There is only a presumption that these amounts will be deducted from gross income.**

Line 4 (Virginia Code § 20-108.2(C)) — If either parent has income from self-employment, a partnership or a closely-held business, subtract reasonable business expenses under the column of the party with such income. Include one-half of any self-employment tax paid, if applicable. If none, insert "none."

Line 5.a. — As applicable, add to and subtract from line 1 the figures in lines 2, 3 and 4 and enter the total for each column.

NOTE: Any adjustments to gross income shall not create or reduce a support obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal adequate housing and provide other basic necessities for the child.

Line 8.a. — Using Virginia Code § 20-108.2(B) SCHEDULE OF MONTHLY BASIC CHILD SUPPORT OBLIGATIONS, use line 5.b. (combined monthly available income) to find the applicable income level under COMBINED GROSS INCOME, then use line 7 (number of children) to determine the basic child support obligation under the appropriate column at the applicable income level.

Line 8.b. (Virginia Code § 20-108.2(D)) — Insert uninsured medical or dental expenses in excess of \$100 for a single illness or condition, which shall include but not be limited to eyeglasses, prescription medication, prostheses, and mental health services whether provided by a social worker, psychologist, psychiatrist or counselor. For past events, allocate an amount to be recouped monthly. For ongoing events, enter the amount to be paid monthly to the health care provider or the amount allocated monthly to be applied toward the bill of the health care provider.

Line 8.c. (Virginia Code §§ 20-108.2(E) and 63.1-250) — Insert costs for "health care coverage" when actually being paid by a parent, to the extent such costs are directly allocable to the child or children, and which are the extra costs of covering the child or children beyond whatever coverage the parent providing the coverage would otherwise have. "Health care coverage" means any plan providing hospital, medical or surgical care coverage for dependent children provided such coverage is available and can be obtained by a person obligated under Virginia law for support of a dependent child or the child's caretaker at a reasonable cost (such as through employers, unions or other groups without regard to service delivery mechanism). This item should also include the cost of any dental coverage for the child or children paid by a parent.

Lines 8.d. (Virginia Code § 20-108.2(F)) — Insert actual cost or the amount required to provide quality child care, whichever is less. If applicable, allocate ratably between employment-related child care and other child care based on custodian's activities while child care is being provided.

Line 11 (a-c) (Virginia Code § 20-108.1(B)) If amounts paid to or for the child who is the subject of the order and derived by the child from the parent's entitlement to disability insurance benefits have been included in a parent's gross income, that amount should be subtracted from that parent's child support obligation. If applicable, describe adjustment to child support for factors not addressed in guidelines calculation, then show amount to be added to or subtracted from each party-parent's child support obligation (use plus and minus signs appropriately).

Line 12 — If additional items are entered in lines 11 (a-c), add and subtract such items from line 10 and enter the totals on this line. In cases involving split custody, the amount of child support to be calculated using these guidelines shall be the difference between the amounts owed by each parent as a noncustodial parent, computed in accordance with these guidelines, with the noncustodial parent owing the larger amount paying the difference to the other parent.

ORDER OF SUPPORT (CIVIL)

Commonwealth of Virginia

☐ TEMPORARY ORDER☐ FINAL ORDER

This Court's Case No.

DCSE ID No.

..... ☐ Juvenile and Domestic Relations District Court ☐ Circuit Court

STREET ADDRESS OF COURT

Petitioner:

☐ Identifying information not provided for good cause shown

Residential Address:

v. Respondent:

☐ Identifying information not provided for good cause shown

Residential Address:

Residential Telephone No.:

Mailing Address if Different:

Residential Telephone No.:

Mailing Address if Different:

Social Security No.:

Driver's Lic. No. & State:

Date of Birth:

Social Security No.:

Driver's Lic. No. & State:

Date of Birth:

Employer:

Employer:

Address:

Address:

Telephone No.:

Telephone No.:

☐ This case is DISMISSED without prejudice because the Respondent could not be located for service of process.☐ Upon hearing the evidence, the Court finds for the Respondent and ORDERS that the case be DISMISSED.**PRESENT:** ☐ Petitioner ☐ Attorney/ Guardian Ad Litem for Petitioner ☐ DCSE Representative ☐ Attorney for DCSE☐ Respondent ☐ Attorney/ Guardian Ad Litem for Respondent ☐ Guardian Ad Litem for child(ren) ☐ Other☐ Upon hearing the evidence, the Court finds that ☐ this (these) dependents ☐ a parent of the Respondent in necessitous circumstances:

NAME

SOC. SEC. #

SEX

DATE OF BIRTH

RELATIONSHIP TO RESPONDENT

is (are) entitled to support from the Respondent, and that the Respondent is chargeable with support as alleged in the petition.

Therefore, the Court ORDERS the Respondent to pay:

☐ \$ per month CURRENT CHILD SUPPORT effective for all children listed above; **OR**☐ \$ per month CURRENT CHILD SUPPORT effective divided among the above-listed children as follows:

\$ for \$ for

\$ for \$ for

☐ \$ per month CURRENT SPOUSAL SUPPORT effective☐ \$ per month COMBINED CHILD-SPOUSAL (UNITARY) SUPPORT effective☐ \$ per month SUPPORT FOR A PARENT effective☐ \$ per month PAYMENT TOWARDS ARREARAGES OF \$**TOTAL \$ per month payable, first payment due on the 1st day of, and each subsequent payment is due on the 1st day of each month thereafter. Payments may be made in intervals of, per, beginning on**

DATE

PAYMENT AMOUNT

INTERVAL

All support paid shall be credited to current support first and the remainder shall be credited to arrearages.

Child support shall terminate on a child's eighteenth birthday; however, support shall continue for any child who is over the age of eighteen and (i) a full-time high school student, (ii) not self-supporting and (iii) living in the home of the parent receiving child support, until the child reaches the age of nineteen or graduates from high school, whichever occurs first; and if any arrearages for child support, including interest or fees, exist at the time the youngest child emancipates, payments shall continue in the total amount due until all arrearages are paid. If the above current child support is not divided per child, the ordered amount cannot be changed except by a court.

☐ Continuing support for , a child whom the court has determined (i) is severely and permanently mentally

Name of Child

or physically disabled, (ii) is unable to live independently and support himself and (iii) resides in the home of the parent seeking support

ARREARAGES:

- ☐ No arrearages exist as of
- ☐ \$..... child support arrearage owed by Respondent.
- ☐ \$..... spousal support arrearage owed by Respondent.
- ☐ \$..... unitary (child/spousal) support owed by Respondent.
- ☐ \$..... total SUPPORT arrears owed by Respondent ☐ with interest included ☐ without interest included
- ☐ arrears include an assessment from the effective date of this order to the first payment due date.
- ☐ This total includes TANF debt or other public funds paid prior to the effective date of this order of \$ for months.

These arrearages are calculated as of the date of this Order including support owed for the current month. This amount does not include payments made after _____, and respondent shall be credited for any payments made thereafter. Interest shall continue to accrue on unpaid arrearages.

PAYMENT:

Payment shall be made payable to:

- ☐ Petitioner at the address shown in the beginning of the Order.
The parties shall give the court at least 30 days written notice, in advance, of any proposed change of residential and, if different, mailing address and telephone number. The Respondent is required to keep the court informed of the name, address, and telephone number of his/her current employer.
- ☐ Treasurer of Virginia and sent to Virginia Department of Social Services, Division of Child Support Enforcement, P.O. Box 570, Richmond, Virginia 23218-0570 unless otherwise instructed by that agency or this Court and shall contain the following:
1. Check or money order made payable to the Treasurer of Virginia.
 2. Print on the check or money order:
 - Your name and social security number
 - Petitioner's name as shown on the first page of this order
 - The DCSE ID No. shown on the first page of this order. If no such number is shown, use this Court's name and case number as shown on the front page of this order until that number is sent to you; then start using the DCSE ID No.

The parties shall give to the Virginia Department of Social Services and the court, at least 30 days written notice, in advance, of any proposed change of residential and, if different, mailing address and telephone number. The Respondent is required to keep the Virginia Department of Social Services and the court informed of the name, address and telephone number of his/her current employer.

- ☐ The parties shall also give each other at least 30 days written notice, in advance of any change of residential and, if different, mailing address and of any change in telephone number within 30 days after the change.

WARNING: Failure to pay in accordance with this order is a violation of this order and may be punished by a jail sentence or a fine or both. In addition, you may not receive credit for payments made contrary to the payment instructions provided in this order. Whenever income withholding is authorized, it is your responsibility to make the payment to DCSE until the income withholding becomes effective. You are responsible for keeping records of payments you make.

HEALTH CARE AND TAX PROVISIONS:

- ☐ Respondent ☐ Petitioner shall provide health care coverage for the ☐ child(ren) ☐ spouse and shall deliver the document necessary for the use of such coverage by the dependents
- ☐ Respondent ☐ Petitioner shall provide dental care coverage for the ☐ child(ren) ☐ spouse and shall deliver the document necessary for the use of such coverage by the dependents
- ☐ Respondent ☐ Petitioner presently has health care coverage and is ordered to maintain it or comparable coverage.

Health Insurance Company Policy name

Name of Policy Holder Policy number

In the event of any change in health insurance, the responsible party is required to notify the opposing party of the change.

- ☐ The Court finds that "health care coverage" as defined by the statute is not available "at reasonable cost" as defined by statute, and therefore, the Court does not order either the Respondent or the Petitioner to provide health care coverage.
- ☐ The Respondent shall also pay % of any reasonable and necessary unreimbursed medical and dental expenses in excess of \$250 for any calendar year for each child covered by this order.
- ☐ Respondent ☐ Petitioner is ordered to execute the appropriate tax forms or waivers to grant the other party the right to take the income tax dependency exemption for tax years for
for federal and state income tax purposes.

CHILD OR CHILDREN

☐ The Court finds that a licensed certificate, registration or other authorization to engage in a profession, business, trade or other occupation listed by the Commonwealth of Virginia is held by

TYPE OF LICENSE

AGENCY GRANTING LICENSE

LICENSE NUMBER

Respondent

Petitioner

Upon a delinquency of a support payment for a period of 90 days or more, or in an amount of \$5,000 or more, a petition may be filed for suspension of any license, certificate, registration or other authorization to engage in a profession, trade, business or occupation issued by the Commonwealth. Virginia Code § 20-60.3.

☐ Withholding from income is ordered payable through the Virginia Department of Social Services by ☐ court income deduction order or ☐ administrative order for income withholding.

☐ Immediate withholding from income is not ordered, pursuant to a written agreement between the parties or for good cause shown.

It is further ORDERED that:

☐ This Order was determined based on ☐ sole ☐ shared ☐ split custody guidelines.

☐ Child support was awarded in this order, but a child support award of \$ by application of the guidelines provided in Virginia Code § 20-108.2 would be unjust or inappropriate in this case as determined by the relevant evidence pertaining to the factors set forth in the attached supplement which is incorporated herein by reference, the ability of each party to provide child support, and the best interest of the child.

☐ Entered in accordance with the parties' written stipulation or agreement.

☐ The Respondent is also required to post with the Clerk a recognizance pursuant to § 20-114 of \$ with/without surety

☐ The Respondent shall also pay: \$ reimbursement of costs to the Petitioner due

\$ attorneys' fees to the Petitioner's attorney due

If arrearage amount equals or exceeds three (3) months owed, reasonable attorneys' fees must be ordered pursuant to Virginia Code § 16.1-278.18, and may be ordered pursuant to § 20-78.2.

NOTICE: Support payments may be withheld as they become due from income without further amendment of this order or having to file an application for services with the Virginia Department of Social Services. Such order shall only be entered upon motion after proper notice sent by the clerk or counsel. Support payments may be withheld without further amendment of this order upon application for services with the Virginia Department of Social Services. In determining a support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law. Failure to make payments when due means that interest will accrue according to Virginia Code § 6.1-330.54.

The Virginia Department of Social Services may initiate a review of the amount of support ordered by any court. If a change in circumstances, as defined in the State Board of Social Services' regulations, has occurred, the Department shall report its findings and a proposed modified order to the court which entered the order. Notice shall be served on both parties. Either party may request a hearing on the proposed modified order by filing a request with such court within thirty days of receipt of notice by the requesting party. Unless a hearing is requested with the time limits, no hearing shall be required and the modified order shall be effective thirty days after the notice is received and shall amend any prior court order. Virginia Code § 20-60.3.

If the order being reviewed by the Department deviates from the guidelines, based on one or more factors set out in Virginia Code § 20-108.1, a hearing shall be scheduled with the court which entered the order.

THIS ORDER SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL AMENDED OR ANNULLED BY THIS COURT OR A COURT OF COMPETENT JURISDICTION TO WHICH AN APPEAL MAY BE TAKEN.

DATE

JUDGE

SEEN AND AGREED AS TO NO PROVISION FOR INCOME WITHHOLDING.

PETITIONER:

RESPONDENT:

CHILD SUPPORT GUIDELINES EXCEPTION

Case No.

SUPPLEMENT TO ORDER FOR SUPPORT

Commonwealth of Virginia

VA. CODE § 20-108.1

(Check and complete the applicable provisions.)

- a. ☐ Actual monetary SUPPORT FOR OTHER family members or former family members, Va. Code § 20-108.1 (B)(1)
- b. ☐ Arrangements regarding CUSTODY of the children, including the cost of visitation travel, Va. Code § 20-108.1 (B)(2)
- c. ☐ SUPPORT AGREEMENT by the parties
- d. ☐ INCOME IMPUTED to a party who is voluntarily unemployed or voluntarily underemployed; provided that income may not be imputed to the custodial parent when a child is not in school, child care services are not available and the cost of such child care services are not included in the computation and provided further, that any consideration of imputed income based on a change in a party's employment shall be evaluated with consideration of the good faith and reasonableness of employment decisions made by the party, Va. Code § 20-108.1(B)(3)
- e. ☐ DEBTS of either party arising during the marriage for the BENEFIT OF THE CHILD, Va. Code § 20-108.1(B)(4)
- f. ☐ Direct payments ordered by the court for maintaining life insurance coverage, education expenses, or other COURT-ORDERED DIRECT PAYMENTS for the benefit of the child, Va. Code § 20-108.1(B)(5)
- g. ☐ EXTRAORDINARY CAPITAL GAINS such as capital gains resulting from the sale of the marital abode, Va. Code § 20-108.1(B)(6)
- h. ☐ Any SPECIAL NEEDS OF A CHILD resulting from any physical, emotional, or medical condition, Va. Code § 20-108.1(B)(7)
- i. ☐ The INDEPENDENT FINANCIAL RESOURCES of the CHILD or children, Va. Code § 20-108.1(B)(8)
- j. ☐ The STANDARD OF LIVING for the child or children established during the marriage, Va. Code § 20-108.1(B)(9)
- k. ☐ The earning capacity, obligations, financial RESOURCES AND SPECIAL NEEDS OF EACH PARENT, Va. Code § 20-108.1(B)(10)
- l. ☐ The PROVISIONS made with regard to the MARITAL PROPERTY under Va. Code § 20-107.3 where said property earns income or has income-earning potential, Va. Code § 20-108.1(B)(11)
- m. ☐ Tax consequences to the parties including claims for exemptions, child tax credit, and child care credit for dependent children, Va. Code § 20-108.1(B)(12)
- n. ☐ Limited by PLEADINGS
- o. ☐ A written agreement, stipulation, consent, order, or decree between the parties which includes the amount of child support, Va. Code § 20-108.1(B)(13)
- p. ☐ Such OTHER FACTORS as are necessary to consider the equities for the parents and children (Va. Code § 20-108.1 (B)(14) – describe briefly)

Monthly Income and Expenses of

Chancery No. _____

Date: _____

Employed By _____
 City & State _____
 Occupation _____
 Pay Period _____
 Next Payday _____
 Salary/Wage _____
 # Exemptions _____

Children in Household

Name	Age

Average Gross Pay per Month

LESS: Income Taxes - Federal

Income Taxes - State

FICA

Health Insurance

Life Insurance

Required Retirement

Average Monthly Net Pay

Other Income

MONTHLY NET INCOME

Household

Mortgage (PITI) or Rent
 Real Estate Property Taxes
 Homeowner's Insurance
 Repairs/Maintenance
 Furniture/Furnishings

Utilities

Electricity
 Gas/Heating Oil
 Water/Sewer
 Telephone
 Trash
 Cable TV

Food

Groceries
 Lunches

Automobile

Payment/Depreciation
 Gasoline
 Repair/Tags/Inspection, etc.
 Auto Insurance
 Parking/Other Transportation
 Personal Property Tax

Childcare Expenses

Child Care
 School Tuition
 Lunch Money
 School Supplies
 Lessons/Sports
 New Clothing
 Personal Grooming
 Other

Fixed Debts with Payments

Balance

Mo. Pmt.

Charge Account Debt

Clothing

New (Excluding Children)
 Cleaning/Laundry
 Uniforms

Health Expenses

Doctor
 Dentist
 Therapist
 Eyeglasses
 Hospital
 Medicines
 Other

Dues

Professional Associations
 Social Associations
 Homeowner's Association

Miscellaneous

Gifts (Xmas, Birthday)
 Church/Charity
 Entertainment
 Vacations
 Hobbies
 Personal Grooming
 Newspaper/Magazines
 Disability Insurance
 Life Insurance
 Legal Expenses
 Other

Totals Per Month

Subtotal Expenses
 Subtotal Debt Payments
 TOTAL EXPENSES
 TOTAL NET INCOME

BALANCE (+)

BALANCE (-)

Liquid Assets on Hand

Cash/Checking/Savings
 Other Liquid Assets
 TOTAL LIQUID ASSETS

Submitted By: _____

HEARING SCHEDULING REQUEST FORM

MONTGOMERY COUNTY CIRCUIT COURT
JUDGE RAY W. GRUBBS
FAX NO. (540) 382-6922

DATE: _____

REQUESTING ATTORNEY: _____

PHONE NUMBER: _____ FAX NUMBER: _____

STYLE OF CASE: _____

TYPE OF HEARING: _____

ESTIMATED TIME NEEDED FOR HEARING: _____

DATES/TIMES PREFERRED FOR HEARING: ALL HEARINGS IN MONTGOMERY COUNTY ARE SCHEDULED FOR *THURSDAYS*, EXCEPT IN EMERGENCY SITUATIONS. PLEASE SUBMIT AT LEAST FOUR (4) DATES/TIMES TO SELECT FROM.

OPPOSING COUNSEL: _____

PHONE NUMBER: _____ FAX NUMBER: _____

OPPOSING COUNSEL CONSULTED & CONCURS WITH TIME ESTIMATE AND DATES/TIMES? _____ YES _____ NO, but in accordance

I certify that I have faxed a copy of this form to opposing counsel.

with local rules, two written requests have been made more than 4 hours ago, without response.

RETURN MESSAGE: _____ requesting atty signature _____, 19____, AT

_____ A.M./P.M., FOR _____ MINUTES/HOUR(S). PLEASE

CONFIRM IN WRITING.

THANKS,
LYNDALL COLE, SECRETARY

HEARING/TRIAL CANCELLATION FORM

MONTGOMERY COUNTY CIRCUIT COURT
JUDGE RAY W. GRUBBS
FAX NO. (540) 382-6922

DATE: _____

COMMUNICATING ATTORNEY: _____

PHONE NUMBER: _____

FAX NUMBER: _____

STYLE OF CASE: _____

OPPOSING COUNSEL: _____

PHONE NUMBER: _____

OPPOSING COUNSEL CONSULTED AND CONCURS WITH CANCELLATION?

_____ YES _____ NO

HEARING/TRIAL SCHEDULED FOR: _____

REASON FOR CANCELLATION:

_____ MATTER SETTLED

_____ OTHER; PLEASE EXPLAIN _____

VIRGINIA: IN THE CIRCUIT COURT OF MONTGOMERY COUNTY

IN RE: CHILDREN OF DIVORCE SEMINAR

ORDER

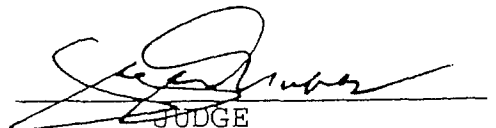
Pursuant to Section 20-103A of the Code of Virginia, 1950, as amended; upon consideration of the fact that it is in the best interests of minor children and of their parents that the impact of parental separation be minimized; and in order to encourage parents to resolve disputes regarding their children; it is, therefore, ORDERED as follows:

1) All adult parties in divorce, separate maintenance, paternity, custody or visitation actions filed on or after June 1, 1996, where the interests of minor children are involved, shall successfully complete the program entitled "Children of Divorce Seminar" sponsored by Mental Health Association of the New River Valley.

2) The parties shall complete such program within forty-five (45) days from the date of the filing of the Bill of Complaint or Petition, except for good cause shown. A party may be excused from participation for good cause shown, before expiration of the 45-day period, by permission of the Court.

3) Pursuant to the statute, no statement or admission by a party in such seminar or program shall be admissible into evidence in any subsequent proceeding.

ENTER this Order this 25 day of April 1997.


JUDGE

A Copy Teste:

ALLAN C. BURKE

Circuit Court Montgomery County, Virginia

By: Diana Vaught Deputy Clerk

EXHIBIT CC

VIRGINIA: IN THE CIRCUIT COURT FOR THE COUNTY OF MONTGOMERY

<p>_____, <i>Plaintiff</i></p> <p>v.</p> <p>_____, <i>Defendant</i></p>		<p>CHANCERY NO. _____</p>
---	--	---------------------------

**DECREE APPOINTING JUDGE
PRO TEMPORE**

THIS CAUSE having been duly filed and involving either contested issues involving custody or visitation of a minor child of the parties, spousal support, or equitable distribution issues involving a determination of the value and ownership of the property of the parties provided by Section 20-107.3 of the Code of Virginia, upon the stipulation of the respective parties that a judge *pro tempore* should be appointed, and upon a finding by this court that it is unable to try this case due to time constraints, it is hereby *DECREED*:

1. Pursuant to Section _____ of the Code of Virginia, _____, a citizen of and qualified to practice law in the Commonwealth of Virginia is hereby appointed judge *pro tempore* to try and adjudicate the following:

- ☐ all issues either in law or fact joined between the parties;
- ☐ all issues regarding spousal support either in law or fact;
- ☐ all issues regarding equitable distribution of property pursuant to section 20-107.3 of the Code of Virginia;

2. Said judge *pro tempore* is hereby appointed and vested with the same power and authority and is hereby charged with the same duties as to the cause in and as to which he is appointed as if he were the regularly elected and qualified judge of this Court.

3. This appointment shall not be effective until and unless the above named judge *pro tempore* shall take and subscribe an oath faithfully to try

and determine the issues joined between the parties and that oath is placed of record in the office of the Clerk of this Court.

4. The parties do hereby further stipulate and agree to compensate the said judge *pro tempore* for services rendered in this regard in the amount of \$_____ per hour, together with reimbursement of reasonable expenses with each party to be liable for half of such sums. Each party hereby agrees to deposit with the above named judge *pro tempore* the sum of \$_____ within thirty (30) days of the date of this Decree. Upon motion of a party, the judge *pro tempore* may, but need not, tax the costs of his compensation and expenses against either party of that proceeding.

5. The Clerk of this Court is hereby directed to send a certified copy of this Decree to all attorneys of record, the above named judge *pro tempore*, and to any unrepresented party. This cause shall continue on the docket of this Court.

ENTER this Decree this _____ day of _____, 20__.

Judge

AGREED AND STIPULATED:

Counsel for Plaintiff

Counsel for Defendant

EXHIBIT DD

VIRGINIA: IN THE CIRCUIT COURT FOR THE COUNTY OF MONTGOMERY

_____)	
<i>Plaintiff,</i>)	
)	
v.)	CHANCERY NO. _____
)	
_____)	
<i>Defendant.</i>)	

OATH OF JUDGE *PRO TEMPORE*

I, the undersigned judge *pro tempore*, a citizen of the Commonwealth of Virginia and duly qualified to practice law before the Supreme Court of the Commonwealth of Virginia, do hereby solemnly swear (or affirm) and give oath that I will faithfully try and adjudicate:

- ☐ all issues either in law or fact joined between the parties in the above styled action now pending in the Circuit Court of Montgomery County,
- ☐ all issues regarding spousal support,
- ☐ all issues regarding equitable distribution of property pursuant to Section 20-107.3 of the Code of Virginia,
- ☐ all issues regarding custody or visitation of a minor child of the parties,
- ☐ _____.

Judge pro tempore

STATE OF VIRGINIA,

CITY/COUNTY OF _____, to wit:

This day appeared before me _____, and gave oath
the above information was true and correct to the best of his knowledge and belief.

Given under my hand this _____ day of _____, 20____.

Clerk/Notary Public

My commission expires:_____.

EXHIBIT EE

PAYROLL DEDUCTION ORDER FOR SUPPORT

EMPLOYER'S INCOME DEDUCTION ORDER FOR SUPPORT

Commonwealth of Virginia VA. CODE §§ 20-79.1 to 20-79.3

☐ original order ☐ modified order

Case No. _____

DCSE No. _____

☐ Circuit Court☐ Juvenile and Domestic Relations District Court

ADDRESS OF COURT

PETITIONER/PAYEE

ADDRESS

SOCIAL SECURITY NUMBER

Pursuant to Va. Code § 20-79.1, an order has been entered in the above-styled case requiring all of the respondent's employers to deduct support payments from the respondent's income during each pay period. You are ordered to deduct the following amount from the respondent's income during each pay period beginning with the next regular pay period after this order is served on you. You must send payment on the employee's (respondent's) payday.

V.

RESPONDENT/OBLIGOR

ADDRESS

SOCIAL SECURITY NUMBER

TO:

EMPLOYER

ADDRESS

\$ _____ or ☐ 50% ☐ 55% ☐ 60% ☐ 65% of respondent's disposable income, whichever is less
(but see No. 2 in the attached COMPLIANCE PROVISIONS)

Regular pay period interval of the respondent:

☐ weekly☐ bi-weekly☐ semi-monthly☐ monthly☐

} regular pay dates

OTHER PAY INTERVAL AND REGULAR PAY DATES

☐ Check if health care coverage is to be provided to the persons listed below if they are eligible for coverage under the employer's enrollment provisions:A. ☐ Respondent ☐ Petitioner is the employeeB. ☐ Persons to be covered if eligible are your employee and:

NAME

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

STATUS

Dependent Child	Spouse	Former Spouse

If there are insufficient funds to pay both the support amount shown at the top of the order and the health care premium within the percentage limits as shown at the top of the order, then priority in payment shall be given to:

☐ support amount shown at top of order☐ health care premium☐ The employer also is required to advise the Virginia Department of Social Services in which plan the children are enrolled or if the children are ineligible for any plan through the employer by using the accompanying reporting form.

Send payments to:

Virginia Department of Social Services
Division of Child Support Enforcement
P.O. Box 570
Richmond, Virginia 23218-0570

**It is mandated by statute that the employer
provide a copy of this Order to the respondent.**

Make checks payable to the Treasurer of Virginia

☐ The employer may combine payment pursuant to this order with payments pursuant to other orders which are sent to the same place in one check in conformance with Compliance Provisions, 4.c., attached to this Order.☐ Do not combine payment pursuant to this order with payments pursuant to other orders unless the exemption in paragraph 4.b. in the attached COMPLIANCE PROVISIONS applies to you.

The attached COMPLIANCE PROVISIONS are incorporated into this order by reference. It is further ORDERED that the clerk shall issue orders directed to all present and future employers of the respondent which shall contain the above information and which shall also contain the COMPLIANCE PROVISIONS addressed to the employer.

10/04/2007

DATE

JUDGE

EMPLOYER

a. THIS ORDER IS BINDING UPON YOU AND YOUR EMPLOYEE:

(i) UNTIL you receive a subsequent (more recently dated) court order affecting the petitioner and respondent listed on the front of this Order;
or,

(ii) UNLESS, within five (5) business days from the service of this Order on you, you have either deposited by mail or otherwise filed a written reply stating which of the requirements listed in b (below) have not been satisfied, after which this Order is void unless the court finds that such a reply is materially false. (Use this form by completing the portion below and either mailing or returning it to this court.) The clerk may issue a new order with corrected information, with which you must comply.

Call the clerk of this court if you have any questions concerning this Order.

b. To the clerk of the court: This order is defective because it

☐ does not contain respondent's correct social security number.

☐ does not contain a single monetary amount to be deducted for each regular pay period.

☐ does not contain the maximum percentage of disposable income (50%, 55%, 60%, 65%) which may be deducted for each regular pay period.

☐ requires that payment be made other than by combined single payment and the exemption in paragraph 4.b. of the compliance provisions applies to this employer and the order is not from a support agency outside this Commonwealth.

☐ requires that payment be made to someone or some organization other than the Virginia Department of Social Services.

☐ contains information which is in conflict with our current pay records (including regular pay intervals and regular pay dates) the correct information is:

DATE EMPLOYER NAME by SIGNATURE

INCOME DEDUCTION ORDER FOR SUPPORT

Commonwealth of Virginia VA. CODE §§ 20-79.1 to 20-79.3

☐ original order ☐ modified order

Case No. _____

DCSE No. _____

☐ Circuit Court
☐ Juvenile and Domestic Relations District Court

ADDRESS OF COURT

PETITIONER/PAYEE

V.

RESPONDENT/OBLIGOR

ADDRESS

ADDRESS

SOCIAL SECURITY NUMBER

SOCIAL SECURITY NUMBER

Having given notice as required by law or notice having been waived and finding that an income deduction order for support payments should be ordered, it is ORDERED that pursuant to Va. Code § 20-79.1, the respondent's employer shall deduct support payments from the respondent's income during each pay period beginning with the next regular pay period of the obligor following service of the order on the employer, as follows:

TO:

EMPLOYER

ADDRESS

\$ _____ or ☐ 50% ☐ 55% ☐ 60% ☐ 65% of respondent's disposable income, whichever is less

(but see No. 2 in the attached COMPLIANCE PROVISIONS)

Regular pay period interval of the respondent:

- ☐ weekly _____
☐ bi-weekly _____
☐ semi-monthly _____
☐ monthly _____

} regular pay dates

OTHER PAY INTERVAL AND REGULAR PAY DATES

☐ Check if health care coverage is to be provided to the persons listed below if they are eligible for coverage under the employer's enrollment provisions:

- A. ☐ Respondent ☐ Petitioner is the employee
B. ☐ Persons to be covered if eligible are your employee and:

NAME

STATUS

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

Dependent Child	Spouse	Former Spouse

If there are insufficient funds to pay both the support amount shown at the top of the order and the health care premium within the percentage limits as shown at the top of the order, then priority in payment shall be given to:

- ☐ support amount shown at top of order
☐ health care premium
☐ The employer also is required to advise the Virginia Department of Social Services in which plan the children are enrolled or if the children are ineligible for any plan through the employer by using the accompanying reporting form.

Send payments to:

Virginia Department of Social Services
Division of Child Support Enforcement
P.O. Box 570
Richmond, Virginia 23218-0570

It is mandated by statute that the employer provide a copy of this Order to the respondent.

Make checks payable to the Treasurer of Virginia

- ☐ The employer may combine payment pursuant to this order with payments pursuant to other orders which are sent to the same place in one check in conformance with Compliance Provisions, 4.c., attached to this Order.
☐ Do not combine payment pursuant to this order with payments pursuant to other orders unless the exemption in paragraph 4.b. in the attached COMPLIANCE PROVISIONS applies to you.

The attached COMPLIANCE PROVISIONS are incorporated into this order by reference. It is further ORDERED that the clerk shall issue orders directed to all present and future employers of the respondent which shall contain the above information and which shall also contain the COMPLIANCE PROVISIONS addressed to the employer.

10/04/2007

DATE

JUDGE

RESPONDENT